OTSEGO COUNTY
PLANNING COMMISSION
August 21, 2017
6:00 PM

MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1322 HAYES ROAD

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From July 17, 2017 meeting
5. CONSENT AGENDA
6. OTHER
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:

   (Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARINGS:

   1) *ARTICLE 23 SITE PLAN REVIEW / Application*
   A proposed amendment to the above section of the Otsego County Zoning Ordinance along with changes to the Site Plan Review Application

   2) *OTSEGO COUNTY CAPITAL IMPROVEMENT PROGRAM 2018-2023*
9. ADVERTISED CASES:

   1) *ARTICLE 23 SITE PLAN REVIEW / Application*
   A proposed amendment to the above section of the Otsego County Zoning Ordinance along with changes to the Site Plan Review Application

   2) *OTSEGO COUNTY CAPITAL IMPROVEMENT PROGRAM 2018-2023*
10. UNFINISHED COMMISSION BUSINESS
11. NEW BUSINESS

    1. Committee(s) assembled – *Review - Possible text amendments*
       a. Section 21.12 Home Occupation
       b. Section 21.22 Manufactured or Site-Built Dwelling Less that Sixteen (16) Feet Wide
       c. Section 21.33 Recreational Equipment or Trailer
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:

    1. Otsego County Parks & Recreation report/Judy Jarecki
    2. Land Use Services report/Jim Mouch
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for July 17, 2017

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Vice Chairperson Jarecki, Mr. Borton, Mrs. Norton, Mr. Klee, Ms. Corfis

Absent: Mr. Arndt, Mr. Hilgendorf, Mr. Brown, Mr. Caverson, Mr. Bauman

Staff Present: Mr. Mouch, Ms. Boyak-Wohlfeil

Others Present: John Jenkins, Mayor of Gaylord

Approval of minutes from: June 19, 2017

Motion made to approve minutes by Ms. Corfis; Seconded by Mr. Klee

Motion approved unanimously.

Ms. Boyak-Wohlfeil stated the proposed changes to Article 23 had been recommended but a public hearing was needed before the changes could be sent to the Board of Commissioners for final approval. The public hearing will be held at the August meeting.

Consent Agenda: None

Other: None

Public participation for items not on the agenda:

Chairperson Hartmann welcomed John Jenkins, Mayor of Gaylord, and Mr. Borton stated they discussed and had decided attending each other's monthly meeting would keep the lines of communication open and help create awareness of current activities and undertakings going on in the County and City of Gaylord.

Chairperson Hartmann explained the issues with the personal wireless tower being constructed by Cherry Capital Connection on Martindale Rd and referred to Mr. Mouch for an update.

Mr. Mouch stated Cherry Capital had complied with the required documents for the personal tower and had been issued a permit earlier that day. He also stated a home occupation permit for the assembling and selling of custom guns was currently on hold due to a phone call from the ATF (*Bureau of Alcohol, Tobacco and Firearms*) cautioning the issuance of the permit. Mr. Mouch was told it could possibly turn into something bigger so he wanted to bring it to the attention of the Planning Commission. He had spoken with the Sheriff's Department and they had no issues with it.

Ms. Corfis questioned the types of guns being sold and whether the ATF monitored the license.

Mr. Mouch stated the owner was a custom gun maker and the ATF did monitor the sales.

Chairperson Hartmann questioned if a background check was required by the ATF and if they had issued a permit.

Mr. Mouch stated it was a requirement but because the County had suspended its permit until discussion with the Planning Commission, ATF's permit was also suspended.

Mr. Borton stated if the requirements of the zoning ordinance were being met, the permit should not continue to be suspended. He suggested reviewing the permit in the future to be sure it continued to comply.

Mr. Mouch requested home occupation be added to the list of zoning ordinance sections for review and possible amendments. He continued stating a reduction in permit fees for zoning items had been approved by the Board of Commissioners and the process for enforcements had been streamlined according to the zoning ordinance. Fines for violations were being reviewed.

Public Hearing: None

Advertised Case: None

Unfinished Commission Business:

1. Section 21.38 Signs and Billboards – *Proposed changes*

Chairperson Hartmann stated the Sign Committee had met and the proposed changes for Section 21.38 were being presented.

After discussion, the decision was made to have the Committee review the items suggested. The Committee will set up another meeting.

Chairperson Hartmann stated a meeting was also held concerning Large Tract Forestry as an additional zoning district. It will be sent to the county's attorney for an opinion on pursuing.

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki reported good attendance at the County Park with steady usage of both new and old cabins; the Parks and Recreation Department will assume responsibilities for the upkeep of the dog park at Pontresina Park; rebuilding of the existing softball field at Libke Field will include covering it with diamond dust; and the Parks' seasonal employees will be placed on a rotation schedule to help cover vacation times for all the different sites.

2. Land Use Services report/Jim Mouch

See previous comments.

Ms. Boyak-Wohlfeil stated errors on the zoning map were found and being researched for corrections; once the corrections were made, zoning maps for each township would be produced and added to the website for viewing and printing.

Chairperson Hartmann thanked Land Use for their hard work and all the information provided.

Mr. Borton stated Mr. Burt had moved on to his new position and Mrs. Frisch was transitioning well to her new role. He stated Mark Miller from the DNR (*Department of Natural Resources*) had met with them concerning state land. Previously the DNR did not consult local government with their plans for that land but now there were three (3) factors to be weighed equally, conservation, recreation and economic impact. He felt it was a move in the right direction as far as planning with the local government.

Chairperson Hartmann stated he had heard the grants for ARTA (*Alpine Regional Tennis Association*) and Corwith Township were being held up but was not sure why. The legislation had been signed but monies not yet released.

Mr. Borton stated the ORV grants and snowmobile trail grants were also being held up. It had been discussed at the MAC (*Michigan Association of Counties*) meeting that morning and would be reported on once an answer was found.

Vice Chairperson Jarecki stated some of the legislators wanted to change how the trust fund money was awarded and thought that may have something to do with the delay.

Chairperson Hartmann welcomed Mrs. Norton, Chester Township's new representative and asked about her background.

Mrs. Norton stated she joined Chester's Planning Commission the beginning of the year; she lived in the area since 1958 and moved to Chester Township two (2) years ago. She's now retired, having previously worked for her brother at Kowatch Builders and then in accounting at Miller & Cook, township auditors, hence the reason Chester wanted her on board.

Chairperson Hartmann adjourned the meeting.

Adjournment: 6:53pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
August 21, 2017

The Otsego County Planning Commission will hold two (2) public hearings on Monday, August 21, 2017 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

The purpose of the public hearings will be to obtain citizen comment on the following:

1) ***ARTICLE 23 SITE PLAN REVIEW / Application***
Proposed amendments to the above section of the Otsego County Zoning Ordinance along with changes to the Site Plan Review Application

2) ***OTSEGO COUNTY CAPITAL IMPROVEMENT PROGRAM 2018-2023***

All citizens are welcome to attend the meeting or provide written comment. If written comments are provided the comments must be received at the Otsego County Land Use Services Office by noon (12:00 pm) the day of the meeting.

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at (989) 731-7400.

Proposed language for Article 23 SITE PLAN REVIEW/Application:

* Change made - Highlighted area

*New text in RED

ARTICLE 23 SITE PLAN REVIEW

Site Plan Review and approval of all development proposals listed below is required by the provisions of this Article. The intent of this Article is to provide for consultation and cooperation between the land developer and the Zoning Administrator so that beneficial utilization of the land is achieved at the same time that adverse effects upon the surrounding land uses are minimized consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Comprehensive Plan of Otsego County will be assured and its communities will develop in an orderly fashion.

SECTION 23.1 SITE PLAN REVIEW REQUIRED

Site plan review is required for the following uses:

23.1.1 Any use or development for which the submission of a site plan is required by any provision of this Ordinance.

23.1.2 Any development for which off-street parking areas in excess of five (5) spaces are provided as required in this Ordinance.

Any use in a B1, B2, B3 and Industrial zone.

Any Special Land Use (See Article 19).

(Note: An application for a zoning permit for a land use not requiring Site Plan Review shall contain a Plot Plan as outlined in Article 25.3.3.)

SECTION 23.2 APPLICATIONS FOR SITE PLAN REVIEW

An application for site plan review shall be obtained from the Zoning Administrator. The completed application and site plan shall be submitted to the Zoning Administrator along with fifteen (15) copies of each for distribution. The application, site plan and copies shall be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, in order to have the site plan review scheduled for that meeting. The applicant shall also meet requirements of Article 27 Township Participation in County Zoning. The application for site plan review and the site plan shall contain the following information:

23.2.1 The application shall, at a minimum, include the following information:

23.2.1.1 The applicant's name, address and phone number in full

23.2.1.2 Proof of property ownership and whether there are any options on the property or any liens against it

23.2.1.3 A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf

23.2.1.4 The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s)

23.2.1.5 The address and or parcel number of the property

23.2.1.6 Name and address of the developer (if different from the applicant)

23.2.1.7 Name and address of the engineer, architect and/or land surveyor

23.2.1.8 Project title

23.2.1.9 Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance

23.2.1.10. A vicinity map drawn ~~at a~~ to scale ~~of 1" = 2000'~~ with North point indicated

23.2.1.11. The gross and net acreage of all parcels in the project

23.2.1.12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels

23.2.1.13. Project completion schedule/development phases

23.2.2 The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less for sites of less than three (3) acres and 1"= 100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect and each site plan shall depict the following:

23.2.2.1 Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any

23.2.2.2 Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows

23.2.2.3 The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern - Boring logs may be required if necessary to determine site suitability.

23.2.2.4 Location and type of significant existing vegetation

23.2.2.5 Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel

23.2.2.6 Location of existing and proposed buildings and intended uses thereof as well as the length, width, and height of each building and typical elevation views of proposed structures

23.2.2.7 Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable

23.2.2.8 Location of existing public roads, rights-of-way and private easements of record and abutting streets - Notation of existing traffic counts and trip generation estimates may be required if deemed appropriate by the Zoning Administrator or Planning Commission.

23.2.2.9 Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development -
Details of entryway and sign locations shall be separately depicted with an elevation view.

23.2.2.10 Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing) and fire lanes

23.2.2.11 Location, size and characteristics of all loading and unloading areas

23.2.2.12 Location and design of all sidewalks, walkways, bicycle paths and areas for public use

23.2.2.13 Location of water supply lines and/or wells, including fire hydrants and shut off valves and the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable

23.2.2.14 Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam

23.2.2.15 Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable

23.2.2.16 Location, size and specifications of all signs and advertising features with elevation views from front and side

23.2.2.17 Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used

23.2.2.18 Location and specifications for all fences, walls and other screening features with elevation views from front and side

23.2.2.19 Location and specifications for all proposed perimeter and internal landscaping and other buffering features - For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

23.2.2.20 Location, size of all trash receptacles and other solid waste disposal facilities

23.2.2.21 Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials as well as any containment structures or clear zones required by government authorities.

23.2.2.22 Identification of any significant site amenities or unique natural features

23.2.2.23 Identification of any significant views onto or from the site to or from adjoining areas

23.2.2.24 North arrow, scale and date of original submittal and last revision

23.2.2.25 Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. In the immediate area of the seal there shall also be the following statement, signed by the professional sealing the plans:

I do hereby certify that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated _____.

Or

I do hereby certify that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information, the design of this project is in compliance with the Otsego County Zoning Ordinance dated _____, except for the following items: (list known variations from the ordinance)

23.2.3 All projects requiring a site plan shall also require that the professional in charge of the project inspect and certify that the project has been constructed in accordance with the approved plans. The following format shall be used:
FORM FOR CONSULTANT'S CERTIFICATE

Date_____

Project name_____

Section _____ T___ N/R ____W _____Township,

Otsego County, Michigan.

I hereby certify that construction of

_____

is complete and that:

1. I have personally directed the supervision or inspection of the construction.
2. To the best of my professional knowledge, understanding and information, all improvements to date have been installed in accordance with the special use permit.
3. The project meets all requirements of the Otsego County Zoning Ordinance.

Signed_____

Registered Professional Engineer (or Surveyor, Architect or Landscape Architect)

23.2.4 The Planning Commission or Zoning Administrator may waive any site plan submittal requirement when any of the following circumstances are found to be in existence:

23.2.4.1 The data will serve no useful purpose. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted. Another reasonable circumstance or condition exists (not including the cost of complying).

23.2.5 Application fees must be paid when the application is submitted and sufficient escrow accounts may be established to cover the projected review costs.

SECTION 23.3 PRE-APPLICATION CONFERENCE

A pre-application conference is not mandatory, but it is strongly advised. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the Zoning Administrator and such other representatives as described in the Planning Commission bylaws. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance. There is no charge or fee to the applicant for this meeting.

SECTION 23.4 AGENCY REVIEW

The applicant shall submit a copy of required site plans and a blank comment form supplied by the Otsego County Zoning Administrator to designated Federal, State and Local agencies and departments for review as determined and requested by the Planning Commission or Zoning Administrator.

The applicant may be requested to submit site plans to one or more of the following agencies: the Otsego County Road Commission; the Michigan Department of Transportation; the Michigan

State Police, the Otsego County Sheriff; the Otsego County Conservation District; the District Health Department; the Fire Department having jurisdiction; the Michigan Department of Natural Resources; the Michigan Department of Environmental Quality; the Otsego County Airport; or any other agency or department deemed necessary. After delivery of the application, site plans and comment forms the applicant should submit proof of delivery to the Otsego County Zoning Administrator. Comments not received from reviewing agencies by the Zoning Administrator within fifteen (15) of days of delivery shall be considered approved without comment.

SECTION 23.5 APPROVAL AUTHORITY

The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If he/she determines that all required information has not been supplied, a written notification to the applicant will be sent, citing the deficiencies. The application for site plan review cannot proceed until all requirements have been satisfied.

The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site plans for Special Use Permit shall be forwarded by the Zoning Administrator to the Planning Commission for review and action. In addition, at the request of the Zoning Administrator or Planning Commission, a site plan for a Principal Permitted Use may be submitted for Planning Commission review before final action by the Zoning Administrator. The Zoning Administrator and Planning Commission have the authority to approve, deny or grant conditional approval for any site plan submitted under the provisions of this ordinance. The Zoning Administrator may hold or the Planning Commission may table a site plan, pending further information or addition, reasonably needed to complete a site plan or comply with requirements of this Ordinance.

SECTION 23.6 CONDITIONAL APPROVALS

23.6.1 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of this ordinance.

23.6.2 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of another local, county or state agency, including a Water and Sewer Department, County Drain Commission, County Road Commission, State Highway Commission or Natural Resources Department. They may do so when such conditions:

23.6.2.1 Would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;

23.6.2.2 Would protect the natural environment and conserve natural resources and energy;

23.6.2.3 Would insure compatibility with adjacent uses of land, and would promote the use of land in a socially and economically desirable manner.

23.6.3 The Planning Commission and/or Zoning Administrator may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of Article 21.10 and 21.18 of this Ordinance and may collect a performance guarantee consistent with the requirements of Article 23.8, to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:

23.6.3.1 That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;

23.6.3.2 that absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

SECTION 23.7 DISTRIBUTION OF APPROVED SITE PLAN

When a site plan is reviewed and approved or disapproved by the Planning Commission or Zoning Administrator, and all steps completed, two (2) copies of the site plan will be marked by the Planning Commission for the following distribution.

23.7.1.1 One (1) copy returned to the applicant signed by the Chairperson of the Planning Commission or by the Zoning Administrator including any conditions of approval.

23.7.1.2 One (1) copy forwarded to the Zoning Administrator including any conditions of approval.

SECTION 23.8 CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following final approval of a site plan by the Zoning Administrator or the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan.

Failure to do so is a violation of this ordinance and subject to the sanctions provided herein.

SECTION 23.9 SITE PLAN EXPIRATION AND REVOCATION

23.9.1 Failure to initiate construction of an approved site plan within three hundred sixty-five (365) days of approval shall require the applicant to appear before the Planning Commission and demonstrate why the approval should not be revoked. After this appearance the Planning Commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:

23.9.1.1 An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency;

23.9.1.2 Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;

23.9.1.3 A change in state law, local charter, or other local ordinance affecting the previous approval has occurred;

23.9.1.4 Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.

23.9.2 Thirty (30) days prior to expiration of an approved site plan, an applicant may make application for a one year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. If the original approval of the site plan was by the Planning Commission, the applicant shall present his/her case in person or by representative at the next meeting of the Planning Commission.

23.9.3 Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The Building Inspector shall also be notified to withhold any building permit until a new site plan is approved.

23.9.4 Any subsequent re-submittal shall be processed as a new request with new fees, except for minor amendments pursuant to Subsection 23.11 below.

SECTION 23.10 PERFORMANCE GUARANTEE REQUIRED

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Otsego County and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a

performance guarantee as regulated by Article 25.6. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping and any other required improvements.

SECTION 23.11 MINOR AMENDMENTS TO APPROVED SITE PLANS

Minor Amendments to a site plan may be approved by the Zoning Administrator provided that such changes conform to the Zoning Ordinance and the applicant agrees. No additional fees will be charged for minor amendments. Minor changes to an approved site plan may be approved by the Zoning Administrator before or after construction has begun provided no such change results in any of the following:

23.11.1.1 A change in the use or character of the development

23.11.1.2 An increase in overall coverage of structures

23.11.1.3 An increase in the intensity of use

23.11.1.4 A reduction in required open space

23.11.1.5 A reduction in required off-street parking and loading

23.11.1.6 A reduction in required pavement widths or utility pipe sizes

23.11.1.7 An increase in traffic on public streets or an increase in the burden on public utilities or services

23.11.2 The following are minor amendments:

23.11.2.1 Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s) - Relocation of building entrances or exits, or shortening of building canopies

23.11.2.2 The changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided

23.11.2.3 Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or a reduction of aisle width below ordinance requirements

23.11.2.4 Moving of ingress and egress drives a distance of not more than one hundred (100) feet if required by the appropriate state, county or other local road authority with jurisdiction

23.11.2.5 Substituting landscape plan species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects

23.11.2.6 Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary

23.11.2.7 Increase peripheral yards

23.11.2.8 Changing the location of an exterior building wall or location not more than ten (10) feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected

23.11.3 If a proposed amendment to an approved site plan does not qualify as a minor change, a new site plan and application and fees in accordance with the provisions of Article 23 must be submitted. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

OTSEGO COUNTY
LAND USE SERVICES
1322 HAYES RD GAYLORD MI 49735

PHONE: 989.731.7400 * FAX: 989.731.7419

www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name:	Owner/Agent/Other Interest *(circle one)*
Address:	
Phone: ( ) -	Fax: ( ) -

PROPERTY OWNER: *(If different from Applicant)*

Name:	
Address:	
Phone: ( ) -	Fax: ( ) -

PROPERTY LOCATION:

Township:	Section:	T____N/R____W	Zoning District:
Site Address:			
Parcel Number: _____ - _____ - _____ - _____			
Description of Project and Proposed Use:			

Signature of Applicant:	**Date:**

***All information received by this department is subject to the Freedom of Information Act. Under this act, persons are allowed to request copies of said information. This includes but not limited to, copyrighted drawings and blueprints

Attention

*These items **must** be submitted in conjunction with this application.

- Proof of property ownership and whether there are any options on the property or any liens against it.
- A signed statement that the applicant is officially acting on the owner's behalf.
- Appropriate fees paid to Otsego County.

*Please refer to the Otsego County Zoning Ordinance particularly Section 21 and Section 23 to assure all items are addressed on the site plan and allow for a smooth presentation to the governing body.

This checklist and the following items are required on all site plans before they can be submitted for review to the various approving entities:

1. The applicant's name, address and phone number in full.

   Yes____ No____ if "No" explain:_____

2. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).

   Yes____ No____ if "No" explain:_____

3. The address and or parcel number of the property.

   Yes____ No____ "No" explain:_____

4. Name and address of the developer (if different from the applicant).

   Yes____ No____ if "No" explain:_____

5. Name and address of the engineer, architect and/or land surveyor.

   Yes____ No____ if "No" explain:_____

6. Project title.

   Yes____ No____ if "No" explain:_____

7. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance.

   Yes____ No____ if "No" explain:_____

8. A vicinity map drawn to scale with North point indicated.

   Yes____ No____ if "No" explain:_____

9. The gross and net acreage of all parcels in the project.

   Yes____ No____ if "No" explain:_____

10. Land uses, zoning classification(s) and existing structures on the subject parcel and within ten feet (10') of property lines of adjoining parcels.

    Yes____ No____ if "No" explain:_____

11. Project completion schedule/development phases. (refer to Section 23.9)

Yes____ No____ if "No" explain:_____

12. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less or sites of less than three (3) acres and 1"=100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified.

Yes____ No____ if "No" explain:_____

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. Each site plan shall depict the following:

13. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any.

Yes ___No ____ if "No" explain:_____

14. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.

Yes ____No ____ if "No" explain:_____

15. The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern. Boring logs may be required if necessary to determine site suitability.

Yes ____No ____ if "No" explain:_____

16. Location and type of significant existing vegetation.

Yes ____No ____ if "No" explain:_____

17. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel.

Yes ____No ____ if "No" explain:_____

18. Location of existing and proposed buildings and intended uses thereof, as well as the length, width and height of each building and typical elevation views of proposed structures.

Yes____ No____ if "No" explain:_____

19. Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, site amenities and the method(s) of screening where applicable.

Yes ____No ____ if "No" explain:_____

20. Location of existing public roads, right-of-ways and private easements of record and abutting streets. Notation of existing traffic counts and trip generation estimates may be required if deemed appropriate by the Zoning Administrator or Planning Commission.

Yes ____No ____ if "No" explain:_____

21. Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations shall be separately depicted with an elevation view.

Yes ____No ____ if "No" explain:_____

22. Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing) and fire lanes.

Yes ____No ____ if "No" explain:_____

23. Location, size, and characteristics of all loading and unloading areas.

Yes ____No ____ if "No" explain:_____

24. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

Yes ____No ____ if "No" explain:_____

25. Location of water supply lines and/or wells, including fire hydrants and shut off valves, the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.

Yes ____No ____ if "No" explain:_____

26. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.

Yes ____No ____if "No" explain:_____

27. Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools if applicable.

Yes ____No ____if "No" explain:_____

28. Location, size and specifications of all signs and advertising features with elevation views from front and side.

Yes____ No____ if "No" explain:_____

29. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

Yes ____No ____ if "No" explain:_____

30. Location and specifications for all fences, walls and other screening features with elevation views from front and side.

Yes ____No ____if "No" explain:_____

31. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

Yes ____No ____if "No" explain:_____

32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.

Yes ____No ____ if "No" explain:_____

33. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any containment structures or clear zones required by government authorities.

Yes ____No ____ if "No" explain:_____

34. North arrow, scale and date of original submittal and last revision.

Yes ____No ____ if "No" explain:_____

35. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.

Yes ____No ____ if "No" explain:_____

Attention

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. In the immediate area of the seal there shall also be the following statement, signed by the professional sealing the plans:

> I do hereby certify that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated: _____

Or

> I do hereby certify that those plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated _____, except for the following items: (List known variations from the Ordinance)

******OFFICE USE ONLY******

Date Application Received:	Fee:	Receipt Number:
Permit No:	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

LAND USE SERVICES
1322 Hayes Rd
Gaylord, MI 49735
989.731.7400

OTSEGO COUNTY LAND USE SERVICES
AGENCY REVIEW FORM

DATE:	
APPLICANT:	
SITE ADDRESS:	

After review, please state your approval or address any issues/concerns relating to the site plan submitted by the applicant for review by the Otsego County Planning Commission and/or Zoning Administrator per Article 23 Site Plan Review Section 23.4 Agency Review of the Otsego County Zoning Ordinance. A letter or email of approval is also acceptable for your convenience.

SIGNATURE/TITLE:
AGENCY:

Otsego County

2018 – 2023 Capital Improvement Plan Committee

Proposed Minutes July 18, 2017

Call to Order: 9:00 am by Rachel Frisch

Capital Improvement Plan Committee members present:

Rachel Frisch, Otsego County Administrator
Ken Borton, Otsego County Chairman of the Board
Paul Hartmann, Planning Commission Chairperson
Jim Hilgendorf, Planning Commission member
James Mouch, Otsego County Land Use Services Interim Director/Vice-Chairperson, Secretary

Capital Improvement Plan Committee members absent:

Discussion items:

Mr. Hartmann stated the cost of the Airport Box Hangar seemed high; Mr. Borton responded that was largely due to the hangar doors being very expensive. All the airport hangars are currently being rented.

The North Central State Trail/Ron Belle Trail Extension and the North Central Trail Extension: The County is responsible for the trail from Wisconsin Street south to Crawford County and the City of Gaylord is responsible for the portion north of Wisconsin Street to the existing trail. The State will cover the City's cost. Depending on funding, the trail may end just south of Waters in 2017, be completed in 2018 and possibly continued into Crawford County. Both extensions are prioritized as urgent because the grant has formally been accepted and agreed upon by the MDNR and the County with the Iron Belle Trail Extension projected for 2017/2018 and the Trailhead Extension for 2018.

The Committee discussed the library expansion which will begin in 2017 prioritized as urgent. The change in plans for the expansion to be a second story instead of a basement area was also discussed. The Committee agreed with the Library Director that this change will end up being a better option than the original plan.

Ms. Frisch stated there were no changes with the jail; it remained prioritized as important. It is not considered to be an urgent item at this time, because the County is addressing the jail population through the Work Camp and the Drug Court programs.

The Road Commission future road projects are as follows:

Sparr Road	Important
Meridian Line Road	Important
Seymour Road and Kujawa Road Project	Important
Meridian Line Road Project 2	Important
Murner Road	Important
North Otsego Lade Drive	Important
Hetherton Road	Important
Krys Road Small Urban	Important
Krys Road Reconstruction	Important
Theisen Road	Important

Motion made by Mr. Hartmann to recommend the 2018-2023 Capital Improvement Plan for Planning Commission approval; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Adjournment: 9:50 am by Rachel Frisch.

CAPITAL IMPROVEMENTS PROGRAM

OTSEGO COUNTY
CAPITAL IMPROVEMENT PLAN
2017-2022

Approved by the Planning Commission on August 15, 2016
Adopted by the Board of Commissioners on September 13, 2016

TABLE OF CONTENTS

Topic	Page
Introduction	3
Capital Improvements	3
Limitation on Authority	4
Procedures	4
Project Prioritizing	5
Projects: Gaylord Regional Airport Taxilane Extension	6
Projects: Gaylord Regional Airport Box Hangar	7
Projects: North Central State Trail/Iron Belle Trail Extension	10
Projects: North Central State Trail/Iron Belle Gaylord Trailhead	13
Projects: Otsego County Jail	16
Projects: Otsego County Library Expansion	17
Projects: Otsego County Road Commission Sparr Road	23
Projects: Otsego County Road Commission Meridian Line Road 1	25
Projects: Otsego County Road Commission Seymore Road and Kujawa Road	27
Projects: Otsego County Road Commission Meridian Line Road 2	29
Appendix A	31

Otsego County Six Year Capital Improvement Plan - Appendix A

Project Name	Agency	Project Type	Funding Source(s)	Estimated Cost	P.C. Priority	2017	2018	2019	2020	2021	2022
Gaylord Regional Airport Taxilane Extension	Otsego County	New Construction	90% Federal; 5%State; 5% Local	$370,000	Important	$370,000					
Gaylord Regional Airport Box Hangar	Otsego County	New Construction	85.88% Federal; 4.77%State; 9.35% Local	$437,932	Important				$437,932		
North Central State Trail / Iron Belle Trail Extension	Otsego County	New Construction	Various	$2,340,000	Important	$2,340,000					
North Central State Trailhead	Otsego County	New Construction	Various	$732,180	Important		$732,180				
Otsego County Jail	Otsego County	New Construction	Various	$7,800,000	Important						$7,800,000
Otsego County Library Expansion	Otsego County Library	Facility Expansion	Various	$2,727,000	Important	$2,727,000					
Otsego County Road Commission Road Projects	OC Road Commission										
Sparr Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$522,000	Important	$522,000					
Meridian Line Road Project 1	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$532,500	Urgent	$532,500					
Seymore Road and Kujawa Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$935,000	Important		$935,000				
Meridian Line Road Project 2	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$941,250	Important			$941,250			
Total Costs by Year:				$17,337,862		$6,491,500	$1,667,180	$941,250	$437,932	$0	$7,800,000

APPENDIX A

CAPITAL IMPROVEMENTS PROGRAM

OTSEGO COUNTY
CAPITAL IMPROVEMENT PLAN
2018-2023

Approved by the Planning Commission on XXXX
Adopted by the Board of Commissioners on XXXX

TABLE OF CONTENTS

Topic	Page
Introduction	3
Capital Improvements	3
Limitation on Authority	4
Procedures	4
Project Prioritizing	5
Projects: Gaylord Regional Airport Box Hangar	6
Projects: North Central State Trail/Iron Belle Trail Extension	9
Projects: North Central State Trail/Iron Belle Gaylord Trailhead	12
Projects: Otsego County Jail	15
Projects: Otsego County Library Expansion	16
Projects: Otsego County Road Commission Murner Road	24
Projects: Otsego County Road Commission North Otsego Lake Drive	26
Projects: Otsego County Road Commission Hetherton Road	28
Projects: Otsego County Road Commission Seymore Road and Kujawa Road	30
Projects: Otsego County Road Commission Krys Road Small Urban Project	32
Projects: Otsego County Road Commission Krys Road Resurfacing Project	34
Projects: Otsego County Road Commission Sparr Road	36
Projects: Otsego County Road Commission Theisen Road	38
Appendix A	40

INTRODUCTION

The Michigan Planning Enabling Act requires local municipalities that have adopted a master plan to annually prepare a capital improvements program. This language is contained in Article IV, Section 65, subparts (1) and (2), which reads:

> (1) To further the desirable future development of the local unit of government under the master plan, a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body. The capital improvements program shall show those public structures and improvements, in the general order of their priority that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.
>
> (2) Any township may prepare and adopt a capital improvement program. However, subsection (1) is only mandatory for a township if the township, alone or jointly with 1 or more other local units of government, owns or operates a water supply or sewage disposal system.

CAPITAL IMPROVEMENTS

Capital Improvements are generally additions to the County's assets, including the construction or purchase of land, buildings or facilities or major renovations of the same, and involve a substantial investment and last a long time. For purposes of this Capital Improvement Program (CIP), only the following type of projects that meet this definition of a capital improvement, are included in the program, such as:

a. New and expanded physical facilities.
b. The acquisition of land for a community facility.
c. Major Renovation or replacement of existing facilities costing over $200,000.

Inclusion of a project in this Plan fulfills the requirements of MCL 125.3861.

Limitation on Authority

This CIP is not meant to appropriate the power of the Otsego County Board of Commissioners in their duty to regulate the expenditure of County funds, but merely to provide guidance and recommendations to projects that may have a long-term impact on the community. To that end, the following limitations on authority will be observed:

a. The Otsego County Board, its departments, and agencies have every right and an obligation to make emergency repairs without prior comment from the Otsego County Planning Commission. Information on such emergency repairs, will however, be submitted as soon as practicable to the Chairperson of the Planning Commission.

b. Grant Applications that are attempting to obtain funds for projects that would fall under the CIP guidelines will be presented to the Planning Commission as soon as practicable.

Procedures

a) The Capital Improvements Program Committee is charged with gathering project information for inclusion into the CIP. The Committee consists of the Chairperson of the Otsego County Planning Commission or his/her designee; the Otsego County Land Use Services Director; the Otsego County Board Chairperson or his/her designee, an additional representative of the Otsego County Planning Commission; and the Otsego County Administrator. The Otsego County Administrator will act as the CIP Coordinator, with the responsibility of coordinating data gathering.
b) The CIP Committee will create a draft CIP.
c) The draft CIP will be sent to the Otsego County Planning Commission for comment/changes each year.
d) The Planning Commission will conduct a public hearing on the draft CIP each year.
e) Planning Commission will forward draft CIP, along with recommendation, to the Otsego County Board each year.
f) Otsego County Board will adopt, modify, or reject with reasons, the CIP.
g) The Capital Improvements Program Committee will annually update the CIP, and follow the above process.

Project Prioritizing

Projects will be prioritized using the following categories:

a) Urgent (imperative, must do)

- Satisfies a legal obligation (legal mandate)
- Corrects a condition dangerous to public health or safety
- Alleviates an emergency service disruption or deficiency
- Prevents irreparable damage to a valuable public facility

b) Important (essential, should do)

- Rehabilitates or replaces an obsolete public facility or attachment to the facility
- Stimulates economic growth and private capital investment
- Reduces future operating and maintenance costs
- Leverages available state or federal funds

c) Desirable (important, could do)

- Provides a new or expanded level of service
- Promotes intergovernmental cooperation
- Enhances cultural or natural resources

Projects

Project Title: **Gaylord Regional Airport Box Hangar**

Agency: Otsego County

Project Type: New Construction

Year(s) of Project: 2020

Project Description:

The project consists of construction of a new 60' x 60' box hangar large enough to allow for storage of a Caravan, King Air, or Citation II plane.

Schedule:

The project will be constructed in the summer 2020

Estimated Cost: $437,932

Basis of Cost Estimate: Preliminary Engineer Estimate

Alternative Financing:

FAA Non-primary Entitlement Grants (85.88% share): $437,932
State Funds (4.77%): $24,332
Local Funds (9.35%): $47,698 to come from the Airport Capital Projects Fund.

Agency Reported Priority: Important

The existing facilities at the airport do not allow for storage of larger airplanes, resulting in loss revenue from hangar rentals. More importantly is that the Airport has lost out on business opportunities due to a lack of adequately sized hangars. The 60' x 60' size will allow for storage of a Caravan, a King Air, or a Citation II.

Planning Commission Reported Priority: Important

GAYLORD REGIONAL AIRPORT

GAYLORD, MICHIGAN

AIRPORT DEVELOPMENT PLAN - YEARS 2015 TO 2019

Mead Hunt

FAA IDENTIFIER: GLR
STATE ID. 69-01

YEAR - 2015

- (A) DESIGN NEW TAXILANE
- (B) CONSTRUCT TAXILANE RECONSTRUCTION

YEAR - 2016

- (A) CONSTRUCT NEW TAXILANE
  PAVEMENT MARKING AND CRACK SEALING

YEAR - 2017

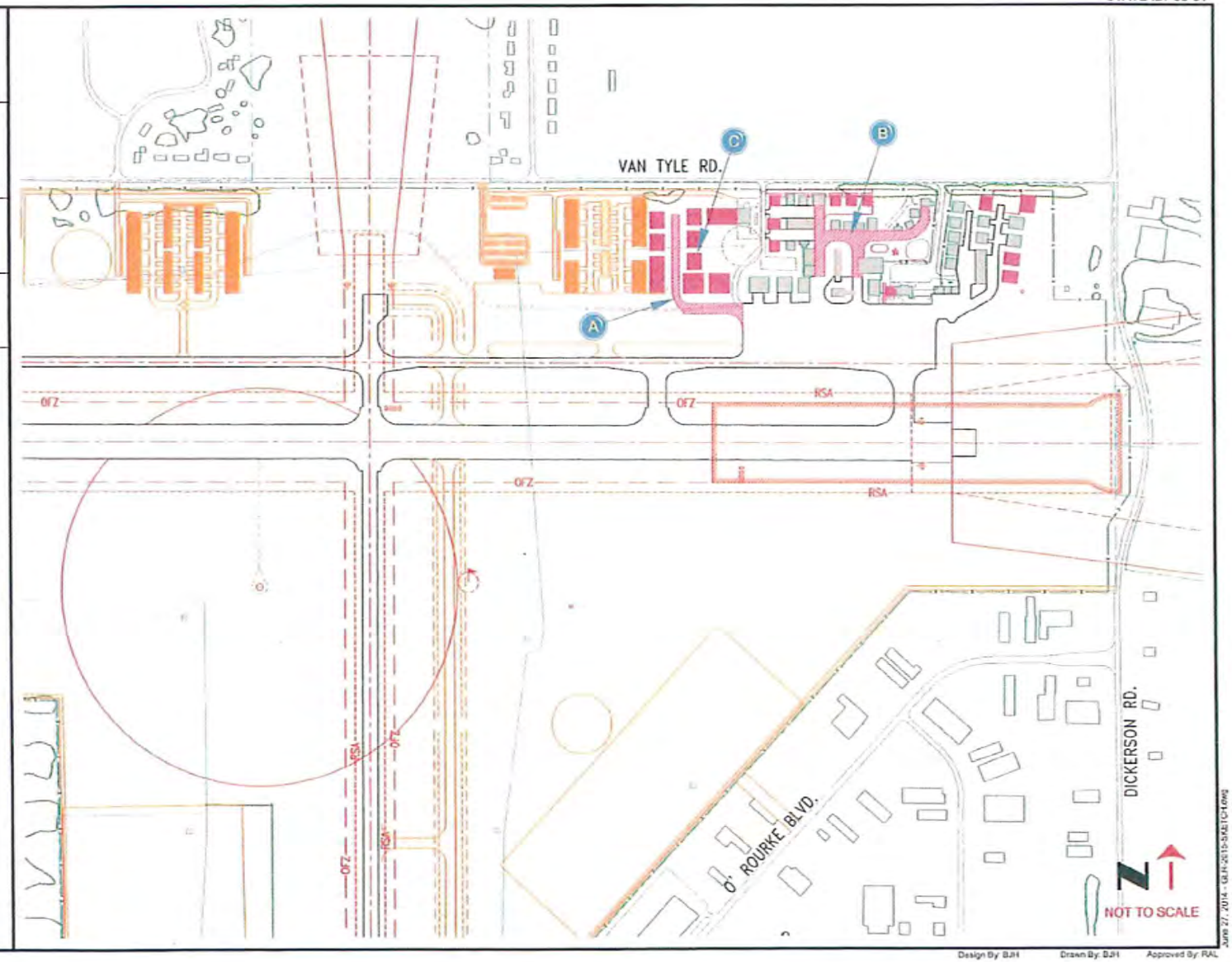
CARRY FUNDS FORWARD FOR BOX HANGAR

YEAR - 2018

- (C) DESIGN BOX HANGAR

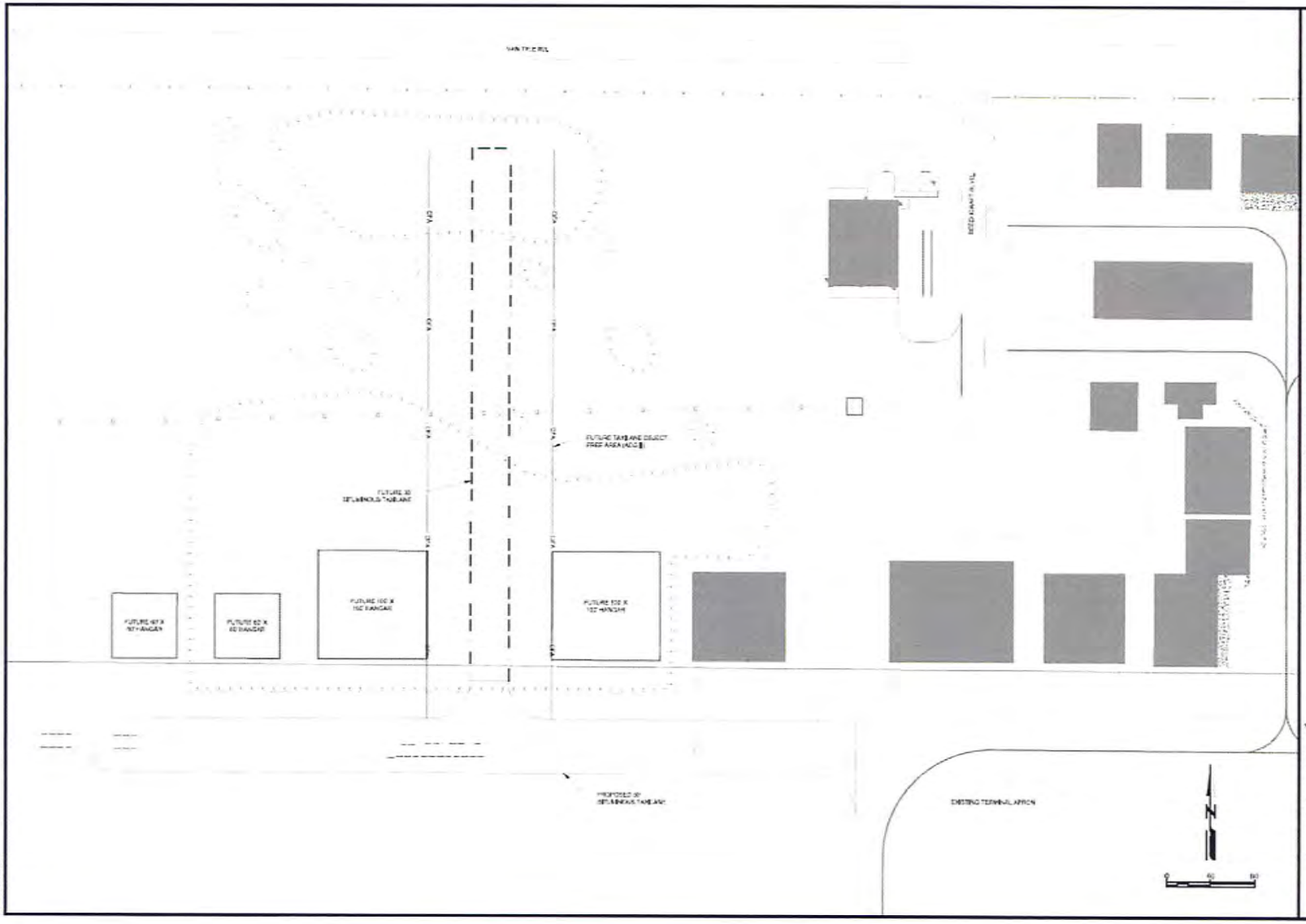
YEAR - 2019

- (C) CONSTRUCT BOX HANGAR
  PAVEMENT MARKING AND CRACK SEALING



Design By: BJH Drawn By: BJH Approved By: RAL

June 27, 2014 - GLR-2015-SKETCH.dwg



Mead & Hunt

2905 Port Lansing Road
Lansing, MI 48906
phone 517-321-8334
meadhunt.com

GAYLORD REGIONAL AIRPORT
CONSTRUCT WEST TAXILANE

1100 AERO DR.
GAYLORD, MI 49734

NOT FOR CONSTRUCTION

PROJECT LAYOUT
ALTERNATE

C-002

Project Title: **North Central State Trail/Iron Belle Trail Extension**

Agency: Otsego County

Project Type: New Construction

Year(s) of Project: 2017, 2018

Project Description:

The existing North Central State Trail (NCST) currently runs from Fairview Road in Gaylord to Mackinaw City. The NCST is located along the proposed route of the planned Iron Belle Trail. The County is working with Bagley Township, Otsego Lake Township, the Michigan Department of Natural Resources (MDNR), and the Michigan Department of Transportation on expanding the current trail. The MDNR are the lead agency on a portion of the trail from Fairview Road to Wisconsin Avenue, with the County being the lead agency on the remaining segment from Wisconsin Avenue south. Two options for the terminus are being discussed with either the trail ending at the County line or ending earlier in Waters at the Otsego Lake Township Hall. The trail will take the place of an existing lease between the MDNR and the Lake State Railway, serving snowmobiles in the winter and non-motorized uses the remainder of the year. The total length of the County's portion of the extension is approximately 11 miles.

Otsego County and its partnering Townships recognize the need for a non-motorized trail, independent from the existing roadways to provide a safe recreational facility for County residents and visitors, and to encourage tourism. The construction of this trail will provide safe routes for residents and visitors to access recreation areas including the Otsego Lake State Park, Wah Wah Soo Beach and the Otsego County Sportsplex and Energy Outlet. As this project is planned to be constructed along with the Gaylord Gateway Trail as well, safe routes will also be provided to Gaylord's commercial districts and downtown, the Otsego County Dog Park, St. Mary's School, North Ohio Elementary School, the County Fairgrounds, Youth Soccer Complex and the Future Gaylord Gateway Trailhead in downtown. The proposed trail will help to promote healthy living and provide an economical transportation alternative. This proposed trail project is not only part of a regional trail network and Michigan's Iron Belle Trail, it is an important local non-motorized transportation facility that, when constructed with the Gaylord Gateway Trail, connects local schools, public parks and other recreational areas. Crawford County, immediately to the south of the project beginning point, is currently working a concept plan for development of the Iron Belle Trail within their County.

Schedule:

Construction will happen in the summer of 2017 and may spill over into the spring of 2018.

Estimated Cost: $2,340,000 (Costs will change once a final plan is adopted, and construction plans are prepared and bid)

Basis of Cost Estimate: Architect Estimate

Alternative Financing: Funding would come from the following sources:

Michigan Natural Resources Trust Fund Grant: $300,000
Michigan Department of Transportation TAP Grant: $1,400,000
Iron Belle Trail Grant: $30,000
Local Match – County: $204,000
Local Match – Bagley Township: $203,000
Local Match – Otsego Lake Township: $203,000

Agency Reported Priority: Urgent

Planning Commission Reported Priority: Urgent

Otsego County Trail Part of Michigan's Iron Belle Trail

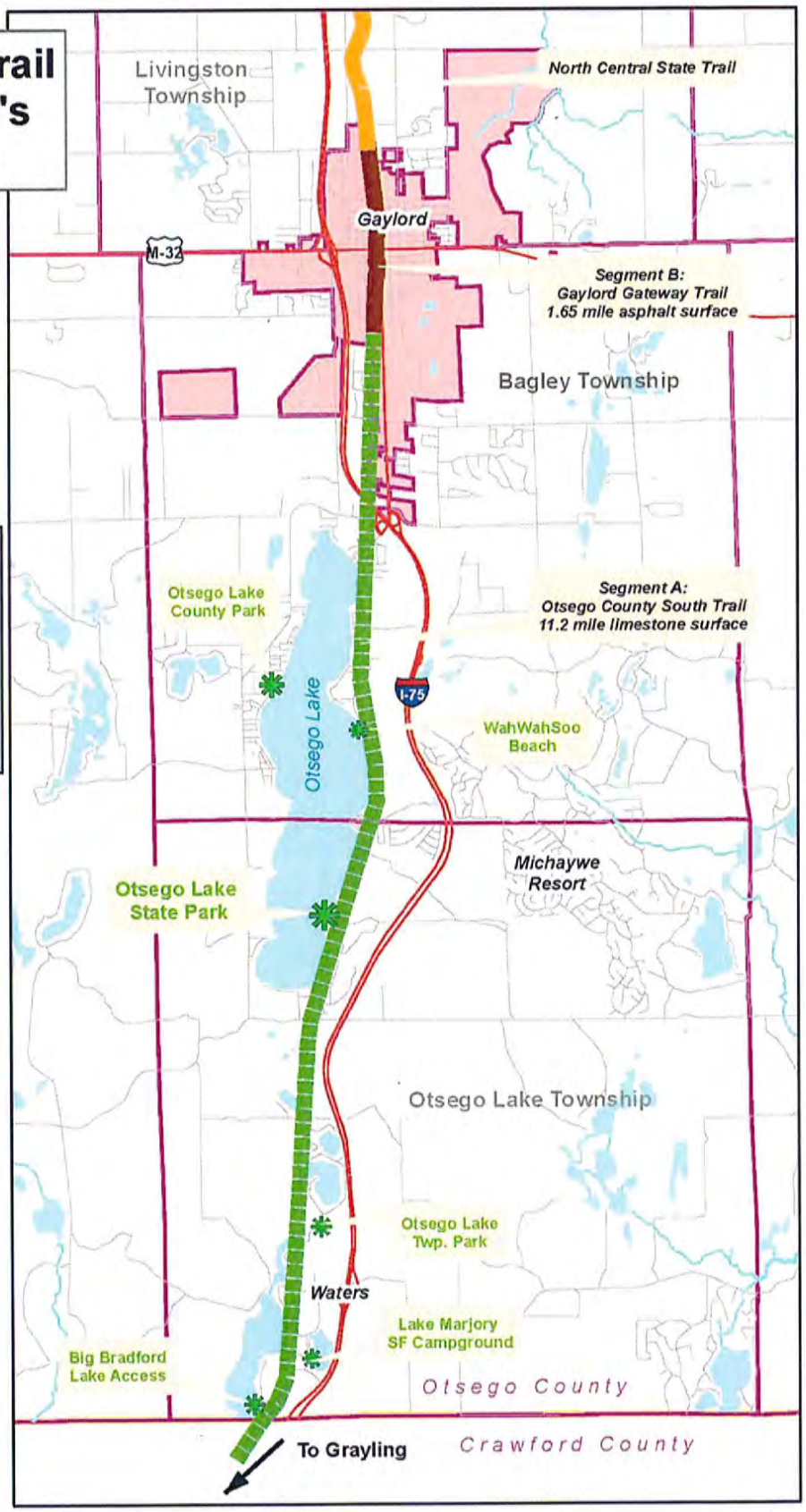
12.85 mile trail
Segment A: 11.2 miles of limestone surface
Segment B: 1.65 miles of asphalt surface

Legend

Otsego County Trail
Project Segments

- Segment A: Otsego County South Trail
- Segment B: Gaylord Gateway Trail
- North Central State Trail

Date: 3/4/2016



Project Title: **North Central State Trail (Iron Belle Trail) Downtown Gaylord Trailhead**

Agency: Otsego County

Project Type: New Construction

Year(s) of Project: 2018

Project Description:

In the event of the extension of the North Central State Trail is successful, a downtown Gaylord trailhead is needed to provide better access by trail users to downtown businesses and facilities, as well as providing a relief station.

The facility would include typical benches, picnic tables, and a pavilion with restrooms.

Schedule:

The project will be constructed in the summer 2018

Estimated Cost: $732,180

Basis of Cost Estimate: Preliminary Engineer Estimate

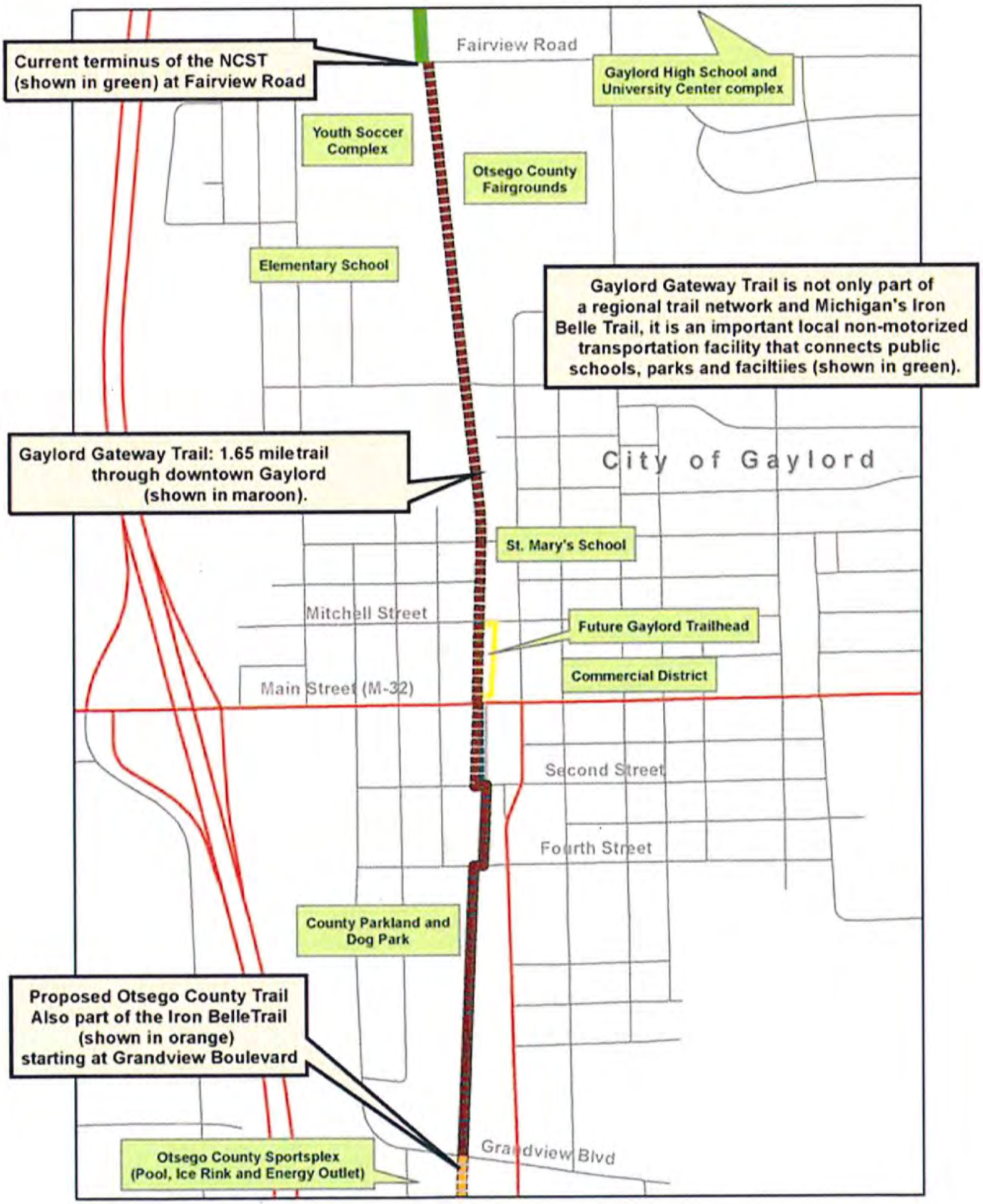
Alternative Financing: Funding would come from the following sources:

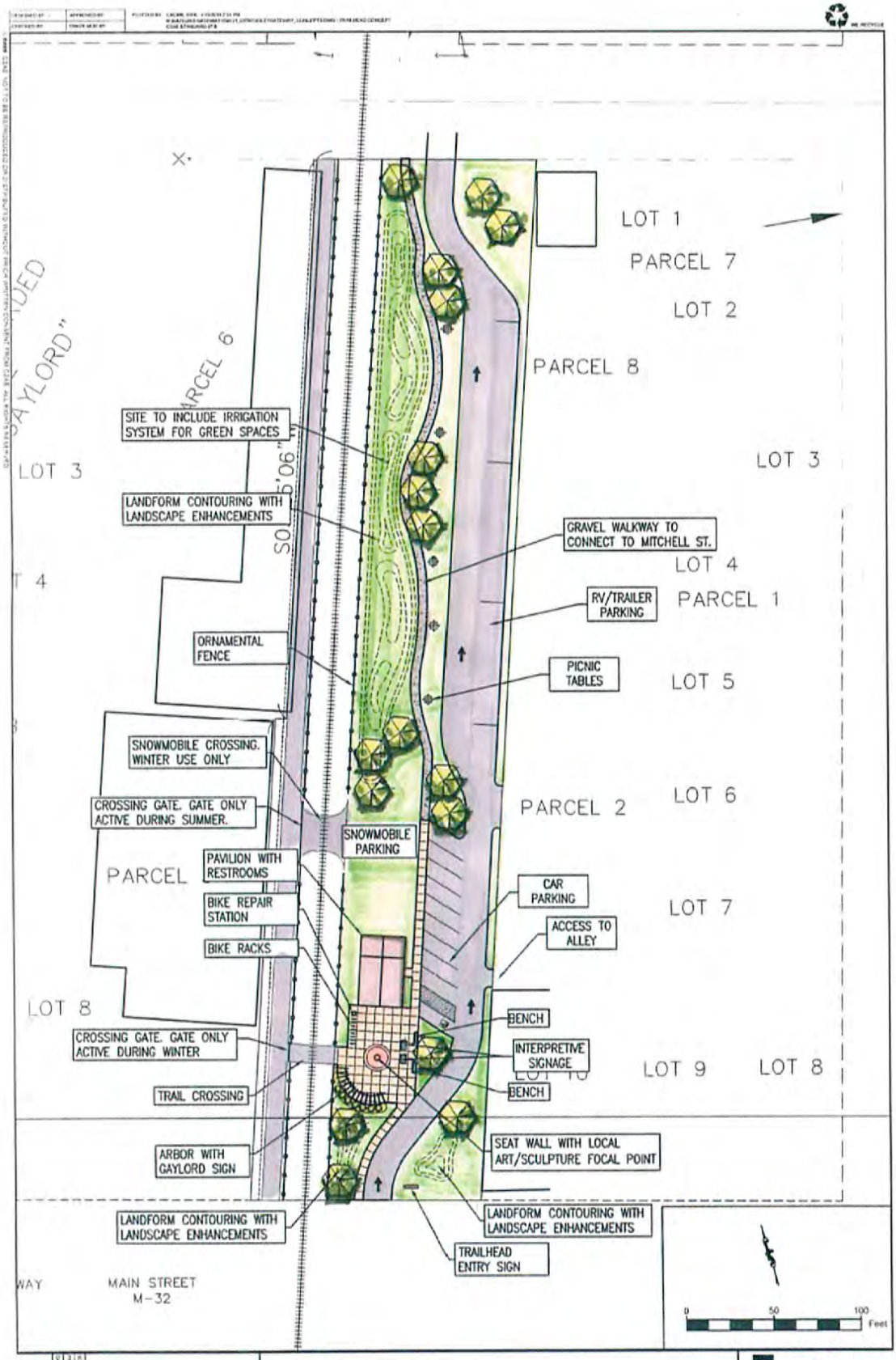
Michigan Natural Resources Trust Fund Grant: $300,000
Michigan Department of Transportation TAP Grant: unknown amount
Local Match – County: unknown amount

Agency Reported Priority: Urgent

Planning Commission Reported Priority: Urgent

Gaylord Gateway Trail
part of the Otsego County Trail
and Iron Belle Trail





PRELIMINARY CONCEPT #3

IRON BELLE TRAIL
GAYLORD TRAILHEAD
GAYLORD, MI

c2ae
architecture • engineering

PRELIMINARY

Project Title: **Otsego County Jail**

Agency: Otsego County

Project Type: New Construction

Year(s) of Project: 2023

Project Description:

A new Jail facility will eventually be needed to replace the current outdated facility located as part of the Courthouse in downtown Gaylord. In 2008, the Jail Citizen Committee recommended building a new 24,621 sq ft 68-bed jail when/if the Criminal Justice Coordinating Committee determines that jail alternative programs can no longer sufficiently alleviate overcrowding. A location has not been decided.

Schedule:

Construction will not happen until alternative jail programs can no longer sufficiently relieve the jail, and until a dedicated source of funding (millage) can be obtained. It is recommended tentatively for 2021 and will be pushed back as necessary.

Estimated Cost: $7,800,000 (Costs will change once a final plan is adopted, and construction plans are prepared)

Basis of Cost Estimate: Architect Estimate

Alternative Financing: Funding would likely have to come from a dedicated jail millage, which has not been passed at this time.

Agency Reported Priority: Important

In conjunction with jail construction, existing jail alternative programs must continue to be utilized. Additionally, expanded programs such as a residential work camp should be incorporated.

Planning Commission Reported Priority: Important

Project Title: **Otsego County Library Expansion**

Agency: Otsego County Library

Project Type: Facility Expansion

Year(s) of Project: 2017, 2018

Project Description:

The 9,300 sq. ft. library facility at 700 S. Otsego Avenue was built in 1985 and has been a centerpiece of our rural county as a cultural and educational destination. The interior was remodeled in 2010, but the past 30 years have taken a toll on the exterior and the building is in need of major renovations to its landscaping/façade, including replacement of crumbling brick planters, sidewalks, sprinkler system, plantings, exterior doors and lighting, and airlock. The back portion of the library was last re-shingled in 1991 and the parking lots are overdue for resurfacing.

At the same time, Otsego County's current population of 24,164 (2010 census) has far surpassed the original design population and space needs are critical. Total square footage for all three libraries in our system is less than one-half the average for neighboring libraries in Boyne City, Charlevoix, Cheboygan, Crawford County, and Petoskey, all of which serve fewer residents. Our building is also much smaller than libraries with comparable populations statewide. Based on input from a wide range of community stakeholders, one of the four focus areas identified in our 2015-2019 strategic plan is "Right-Sizing Our Library."

The library delayed maintenance on the exterior of the building as long as possible, knowing that the most cost-effective solution would be to incorporate them into the long-needed building expansion. In 2015, we presented a Landscape and Façade Improvement plan to the Otsego County Library Board of Commissioners that would address the most critical entrance renovation needs. With encouragement from the County that the time for expansion is now, we expanded the scope of that RFP to revisit our earlier expansion plan (2009) to ensure that it reflects the changes in county demographics and library trends. The result is the addition of a second story that makes maximum use of the library's current site, adding 9,293 sq. ft. on the first level and 8,891 sq.ft. on the second level. The current library space will remain as renovated in the 2010 Phase I project; spaces will be reconfigured to provide quiet areas, individual and group study rooms and additional seating. The main floor addition will accommodate a much larger youth area, where families will find age-appropriate spaces for preschoolers to teens. The upper level will house a meeting room for Library programming, with an after-hours entrance for use by community groups, as well as space for storage, archives, and future needs.

Schedule: The citizens of Otsego County passed a 6-year, 0.375 bond millage for a $2,250,000 bond for the Library expansion.

Estimated Cost: $3,375,250 plus F & E of up to $250,000

Basis of Cost Estimate: Construction Manager's opinion of probable building cost; Director estimate of F & E

Additional Funding:

$548,362 from the Library's Designated Building Fund
$100,000 from the Library's Maintenance Fund
$ 45,501 from the Library's Technology Fund
$ 93,650 from the Otsego County Community Foundation/Library Fund
$ 15,000 from the Friends of the Library
$ 5,500 Private Donations to date

Potential funding sources for remainder:
Local capital campaign
Michigan Council for the Arts and Cultural Affairs Capital Improvement Program
Private foundation grants
Millage dollars collected in excess of debt requirements, due to increase in Taxable Values within the County

Agency Reported Priority: Urgent

Planning Commission Reported Priority: Urgent

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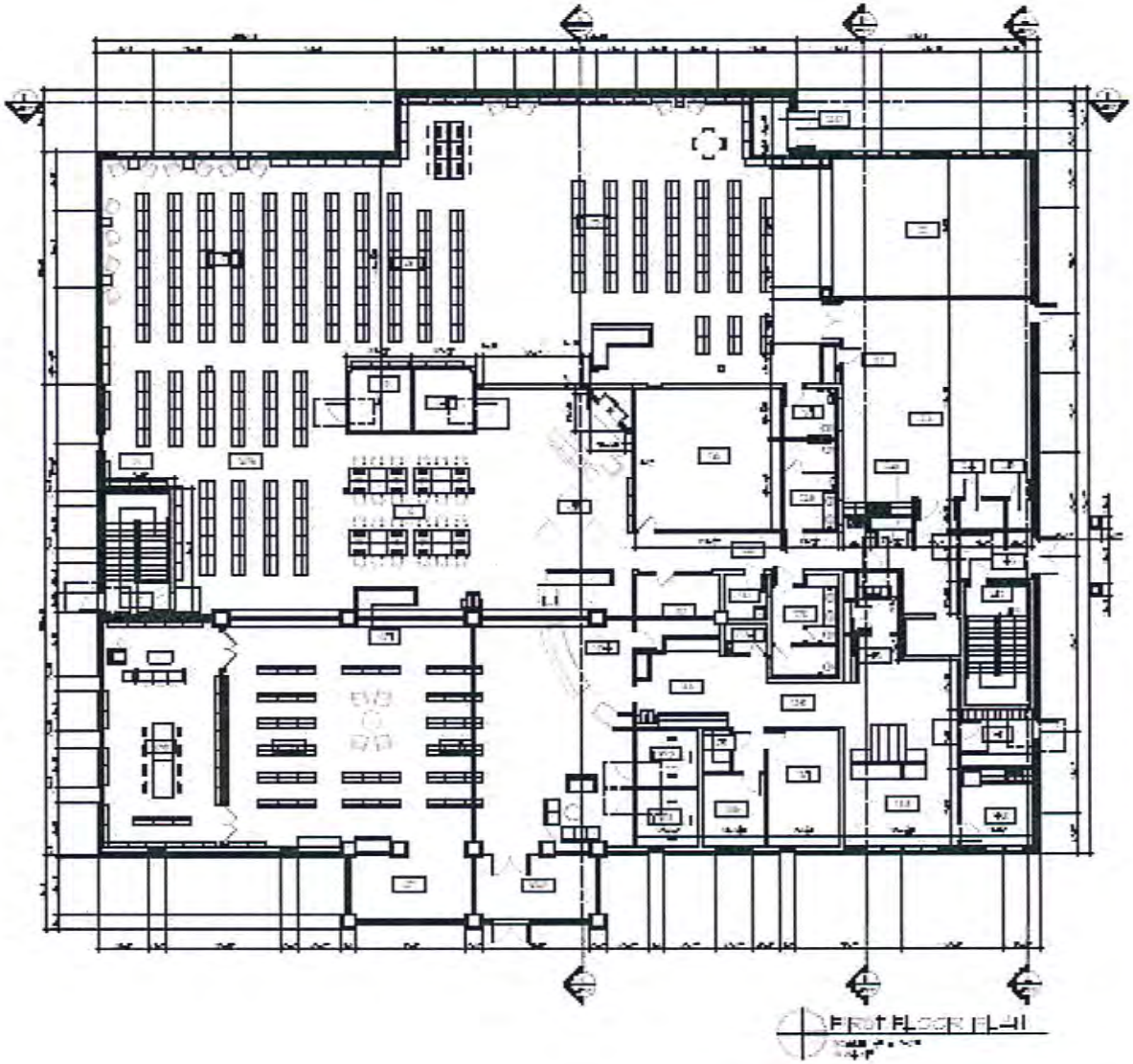


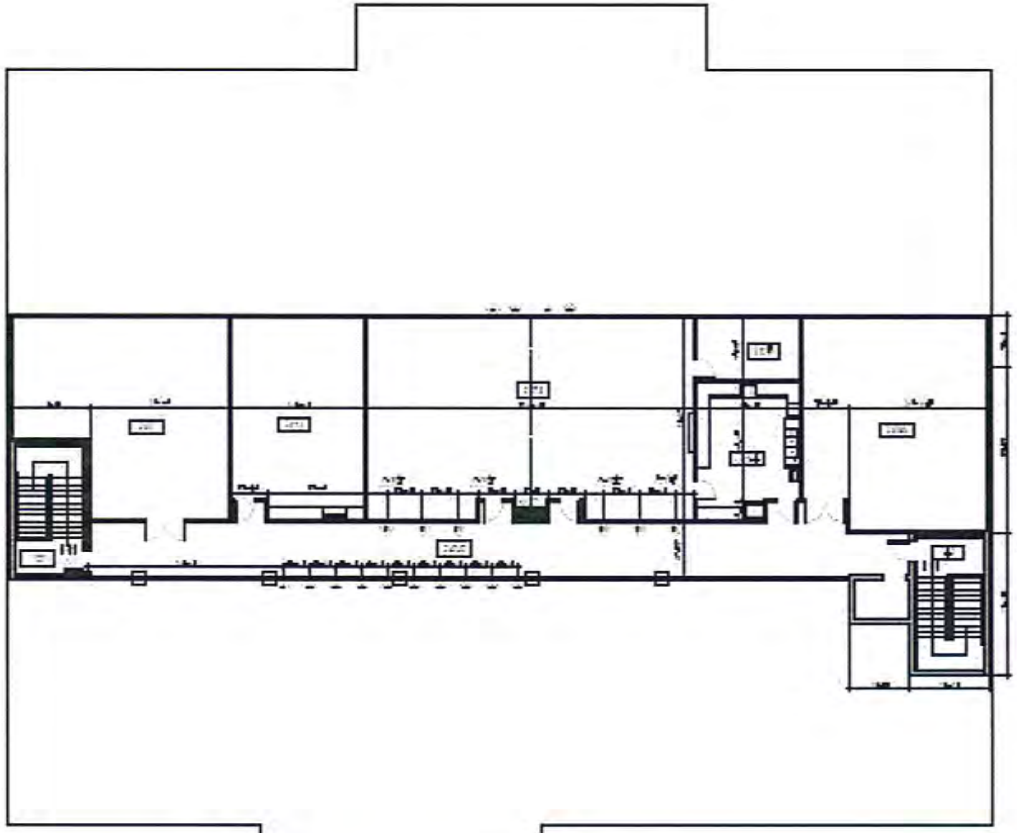
Sidock Group

OTSEGO COUNTY LIBRARY

OTSEGO COUNTY LIBRARY EXPANSION

FIRST FLOOR PLAN

A-201



SECOND FLOOR PLAN

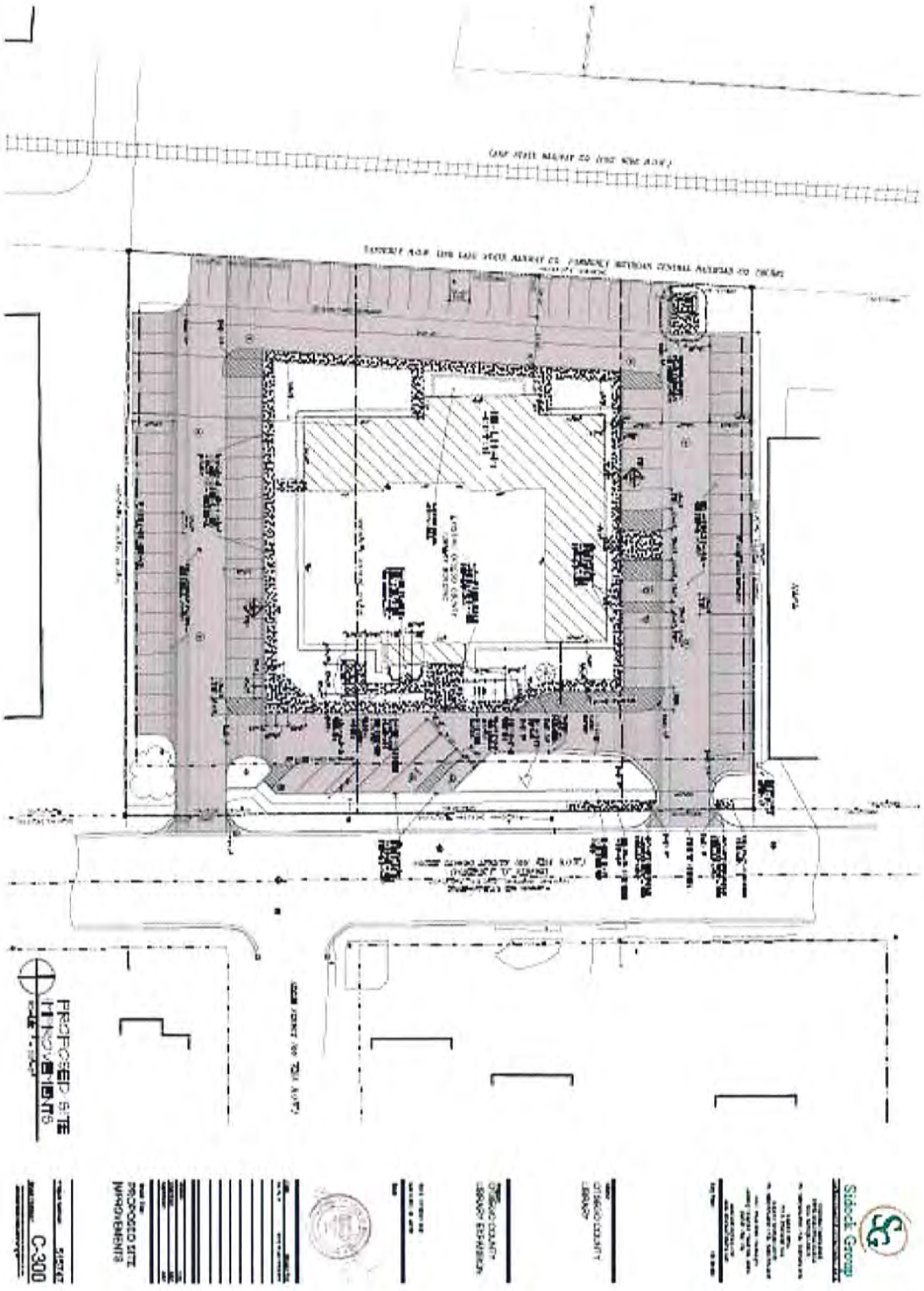
Sidock Group

DITMAS COUNTY LIBRARY

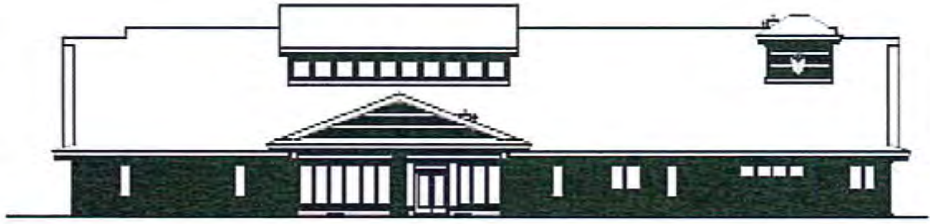
DITMAS COUNTY LIBRARY RENOVATION

SECOND FLOOR PLAN

A-202


PROPOSED SITE IMPROVEMENTS
C-300
Sidock Group

NORTH ELEVATION



EAST ELEVATION

Sidock Group

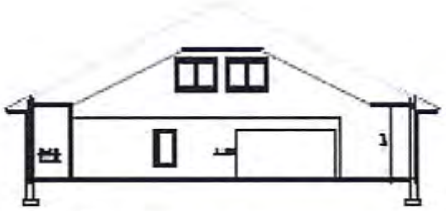
OTSEGO COUNTY LIBRARY

OTSEGO COUNTY LIBRARY EXPANSION

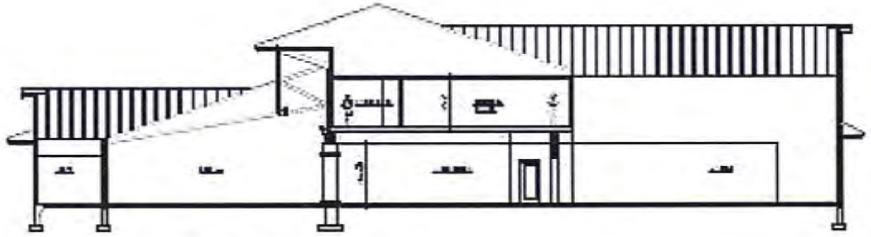
EAST / NORTH ELEVATIONS

A-300

22

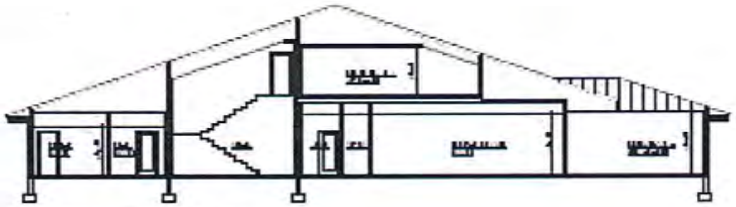


BUILDING SECTION



BUILDING SECTION

BUILDING SECTION



BUILDING SECTION

Sidock Group

OTSEGO COUNTY LIBRARY

OTSEGO COUNTY LIBRARY EXPANSION

BUILDING SECTIONS

A-310

Project Title: **Otsego County Road Commission Murner Road Project**

Agency: Otsego County Road Commission

Project Type: Major Renovation

Year(s) of Project: 2018

Project Description:

Work will include reconstruction including resurfacing, widened lanes, paved shoulders, vertical alignment upgrades, clearing, ditching, and slope restoration and will take place from Five Lakes Road to Parmater Road.

Estimated Cost: $817,000

Basis of Cost Estimate: Cost from Engineer

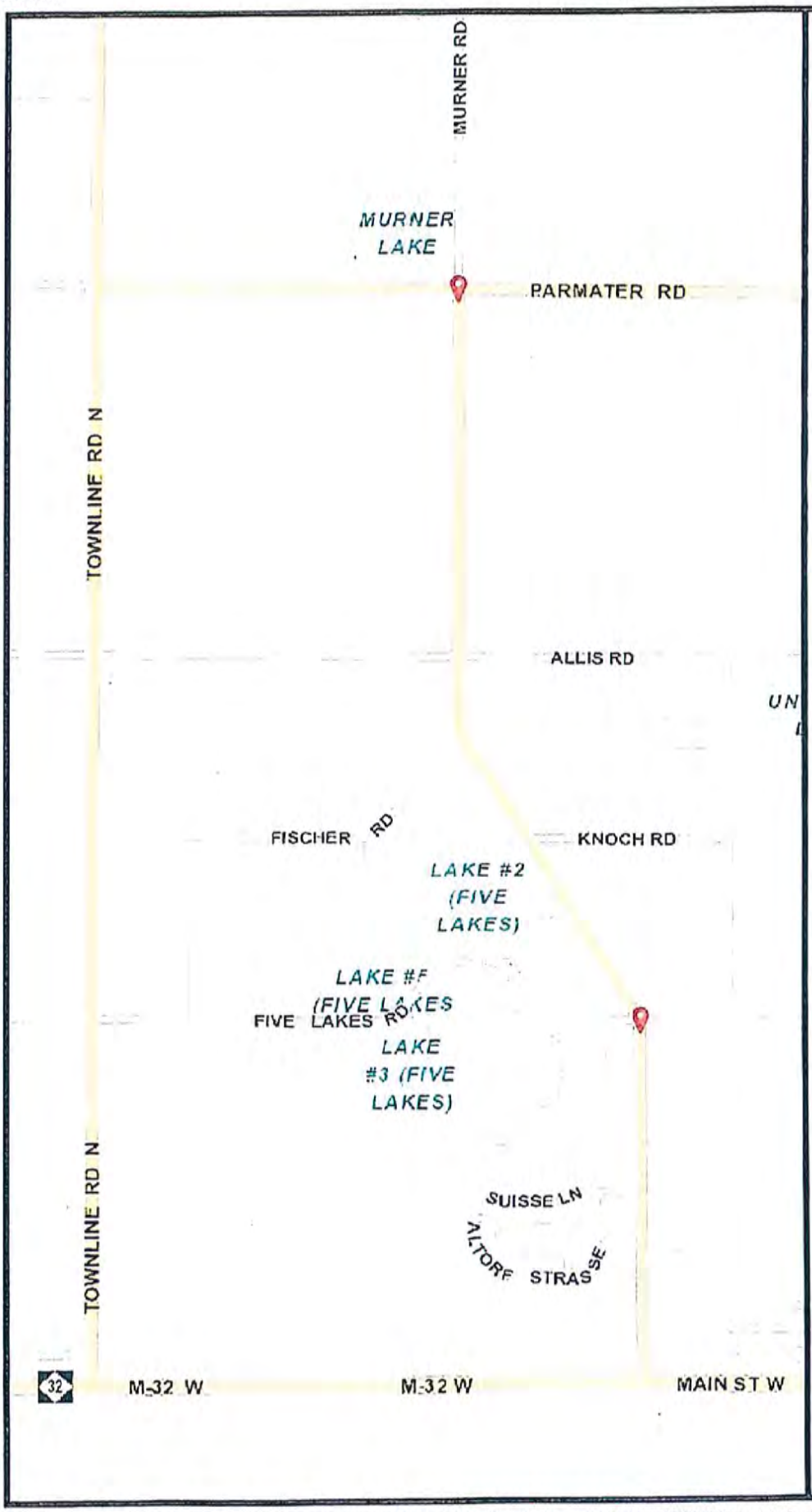
Alternative Financing:

Financing will include the following cost breakdowns:

Federal:	$361,569
Local:	$455,431

Agency Reported Priority: Important

Planning Commission Reported Priority: Important



Otsego COUNTY MICHIGAN

Murner Road

Reconstruction Project

Map Publication:
07/05/2017 11:58 AM

0.6km
0.4mi

powered by FetchGIS

Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Otsego County expresses no warranty for the information displayed on this map document.

Project Title: **Otsego County Road Commission North Otsego Lake Drive Project**

Agency: Otsego County Road Commission

Project Type: Major Renovation

Year(s) of Project: 2018

Project Description:

The Road Commission plans to reconstruct North Otsego Lake Drive from Old 27 South to Dickerson Road. This section of road will be brought to all season status. Improvements will include resurfacing, upgrades to the railroad crossing, paved shoulders, recessed pavement markings, and ditching. The existing rutting conditions will be eliminated.

Estimated Cost: $436,026

Basis of Cost Estimate: Cost from Engineer

Alternative Financing:

Financing will include the following cost breakdowns:

Federal:	$348,820
Local:	$ 87,206

Agency Reported Priority: Important

Planning Commission Reported Priority: Important

Otsego County Michigan

North Otsego Lake Drive

Reconstruction Project

powered by FetchGIS

200m
600ft

Map Publication:
07/05/2017 12:44 PM

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Project Title: **Otsego County Road Commission Hetherton Road Project**

Agency: Otsego County Road Commission

Project Type: Major Renovation

Year(s) of Project: 2019

Project Description:

Work will include reconstructing portions of Hetherton Road, including crushing existing pavement into the aggregate base for additional strength and placing two courses of hot mix asphalt; other locations will consist of wedging and overlaying the existing pavement with hot mix asphalt. Drainage improvements and pavement shoulders will be key items also. Work will take place from M-32 East and Brown Road (3.2 miles).

Estimated Cost: $922,000

Basis of Cost Estimate: Cost from Engineer

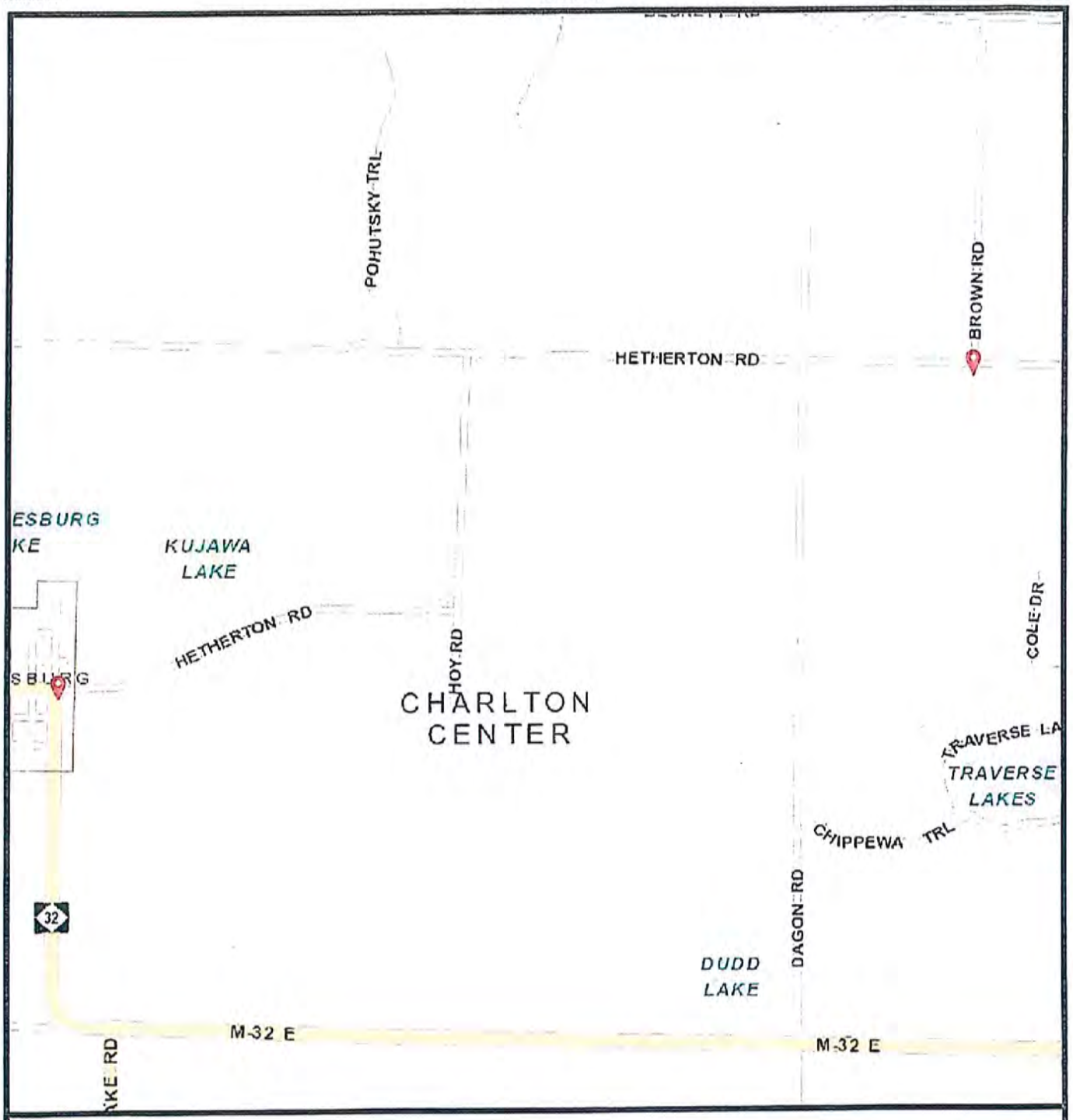
Alternative Financing:

Financing will include the following cost breakdowns:

Federal:	$368,800
Local:	$553,200

Agency Reported Priority: Important

Planning Commission Reported Priority: Important



Otsego COUNTY MICHIGAN

Hetherton Road

Reconstruction Project

powered by FetchGIS

0.6km
0.4mi

Map Publication:
07/05/2017 12:56 PM

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Project Title: **Otsego County Road Commission Seymore Road and Kujawa Road Project**

Agency: Otsego County Road Commission

Project Type: Major Renovation

Year(s) of Project: 2020

Project Description:

Work will include a crush and shape project with HMA resurfacing, additional improvements including guardrail installation, flattening of side slopes, lane widening, shoulder paving, drainage upgrades and slope restoration. Work will take place from Marquardt Road westerly to Goslow Road.

Estimated Cost: $935,000

Basis of Cost Estimate: Cost from Engineer

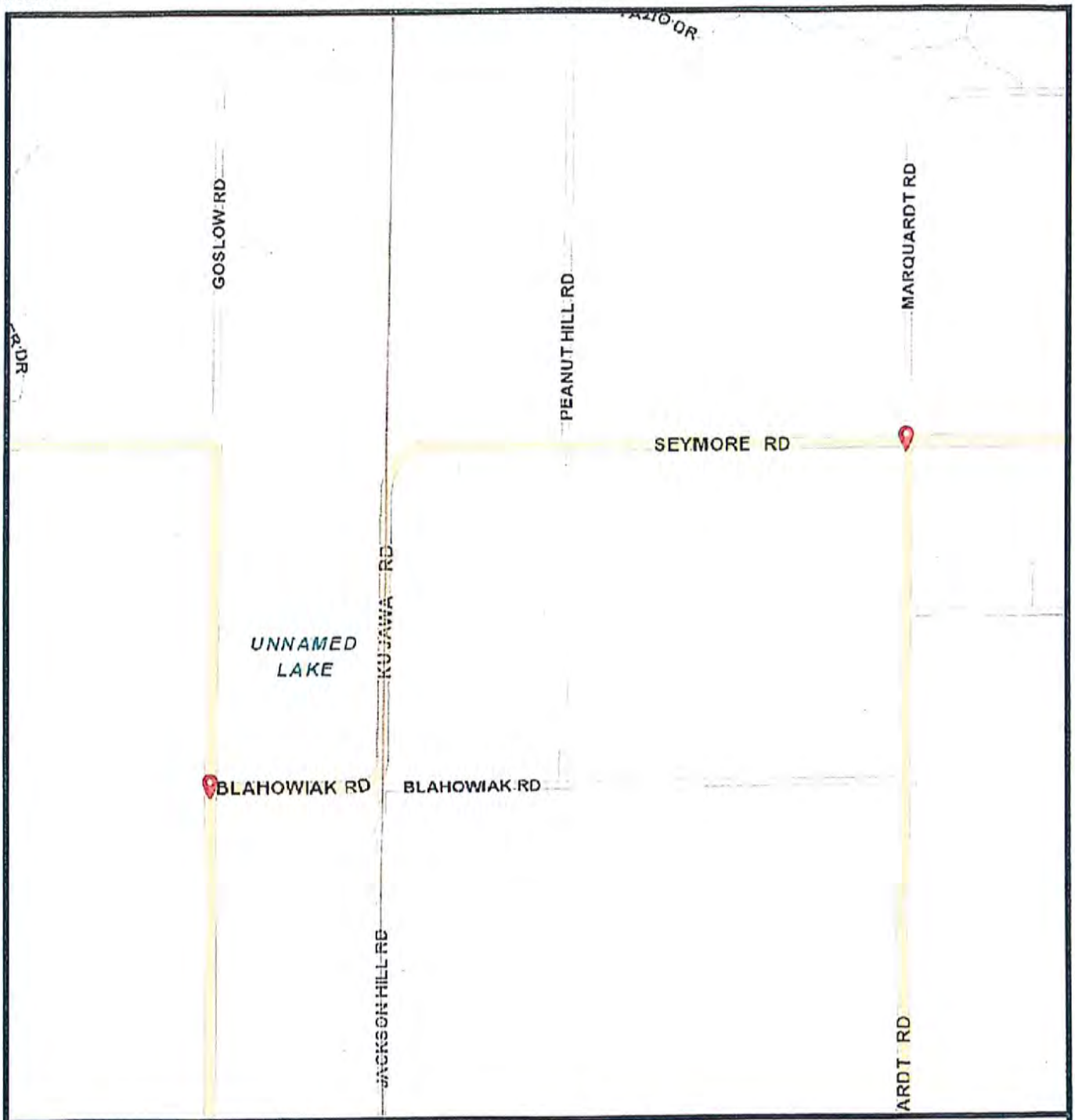
Alternative Financing:

Financing will include the following cost breakdowns:

Federal:	$748,000
Local:	$187,000

Agency Reported Priority: Important

Planning Commission Reported Priority: Important



Otsego County Michigan

Seymore Road and Kujawa Road

Project

powered by FetchGIS

0.6km
0.4mi

Map Publication:
07/05/2017 1:04 PM

Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Otsego County expresses no warranty for the information displayed on this map document.

Project Title: **Otsego County Road Commission Krys Road Small Urban Project**

Agency: Otsego County Road Commission

Project Type: Major Renovation

Year(s) of Project: 2019

Project Description:

The Road Commission plans to reconstruct Krys Road from McCoy Road to Johnson Road (1 mile). This will be a crush and shape project. Improvements will include resurfacing with hot mix asphalt with wider lanes, paved shoulders, vertical grade improvements, concrete curb and gutter, and recessed pavement markings.

Estimated Cost: $516,416

Basis of Cost Estimate: Cost from Engineer

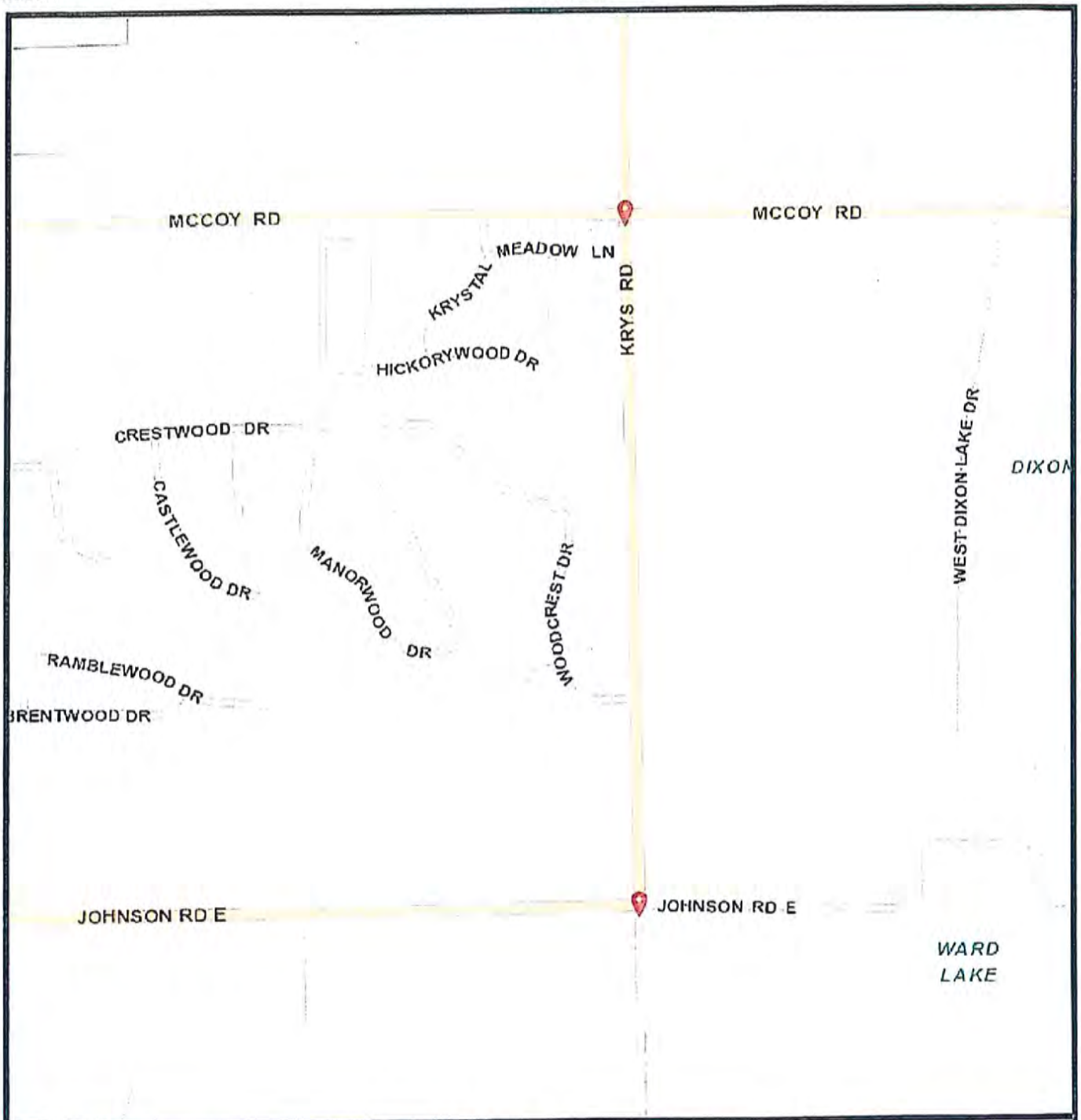
Alternative Financing:

Financing will include the following cost breakdowns:

Federal:	$375,000
Local:	$141,416

Agency Reported Priority: Important

Planning Commission Reported Priority: Important



Otsego County Michigan

Krys Road

Small Urban Project

powered by FetchGIS

0.3km
0.2mi

Map Publication:
07/05/2017 1:09 PM

Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Otsego County expresses no warranty for the information displayed on this map document.

Project Title: **Otsego County Road Commission Krys Road Resurfacing Project**

Agency: Otsego County Road Commission

Project Type: Major Renovation

Year(s) of Project: 2021

Project Description:

Work will include resurfacing Krys Road from Johnson Road to Charles Brink Road (2.5 miles). Improvements will include resurfacing with hot mix asphalt, lane widening, paved shoulders, and recessed pavement markings.

Estimated Cost: $450,000

Basis of Cost Estimate: Cost from Engineer

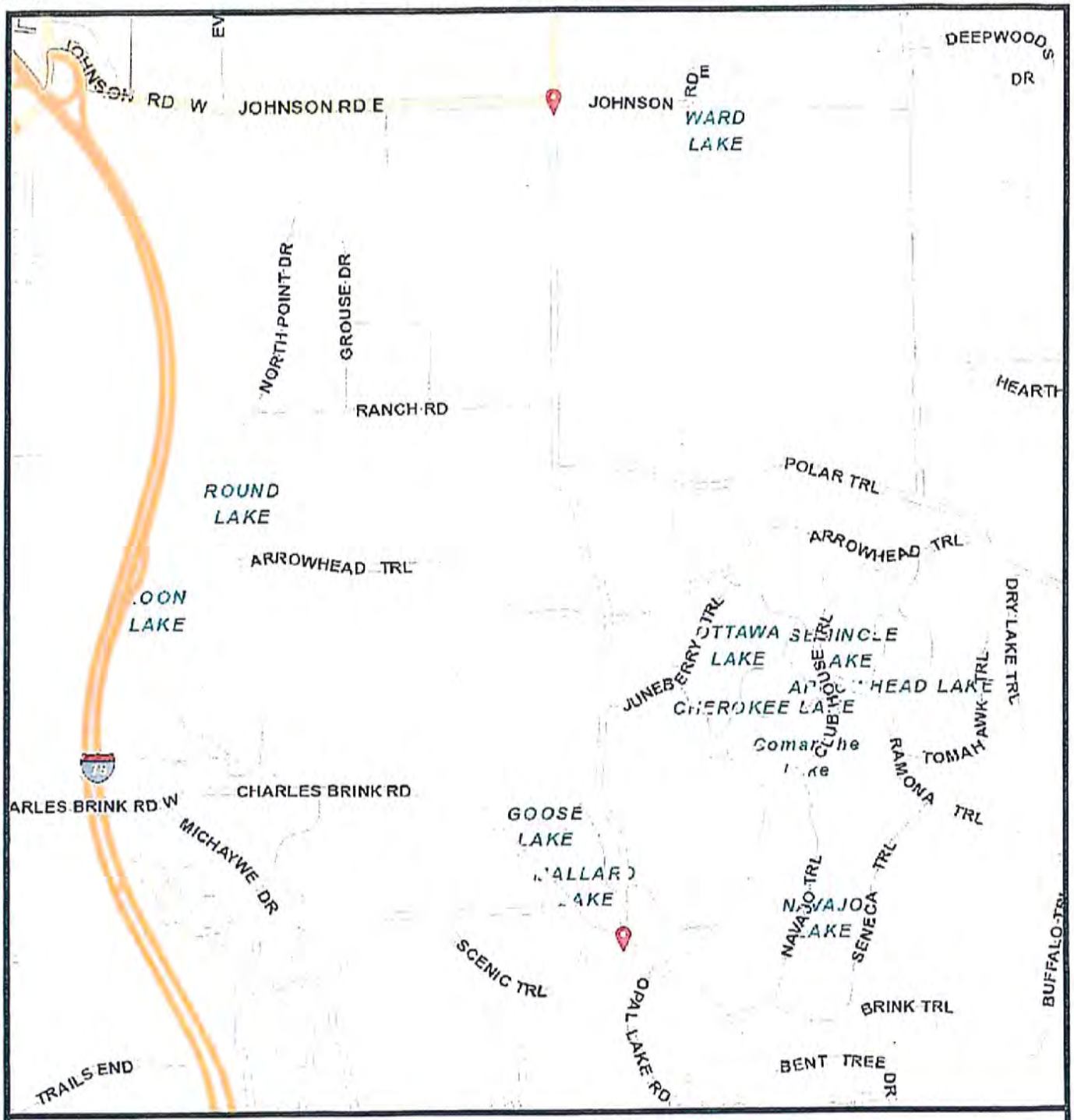
Alternative Financing:

Financing will include the following cost breakdowns:

Federal:	$360,000
Local:	$ 90,000

Agency Reported Priority: Important

Planning Commission Reported Priority: Important



Otsego County Michigan

Krys Road

Resurfacing Project

powered by FetchGIS

0.6km
0.4mi

Map Publication:
07/05/2017 1:12 PM

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Project Title: **Otsego County Road Commission Sparr Road Project**

Agency: Otsego County Road Commission

Project Type: Major Renovation

Year(s) of Project: 2022

Project Description:

This 2 mile upgrade of Sparr Road from Dover Road from Kubacki will include resurfacing, strengthening outside edges, resurfacing shoulders, and new pavement markings.

Estimated Cost: $575,000

Basis of Cost Estimate: Cost from Engineer

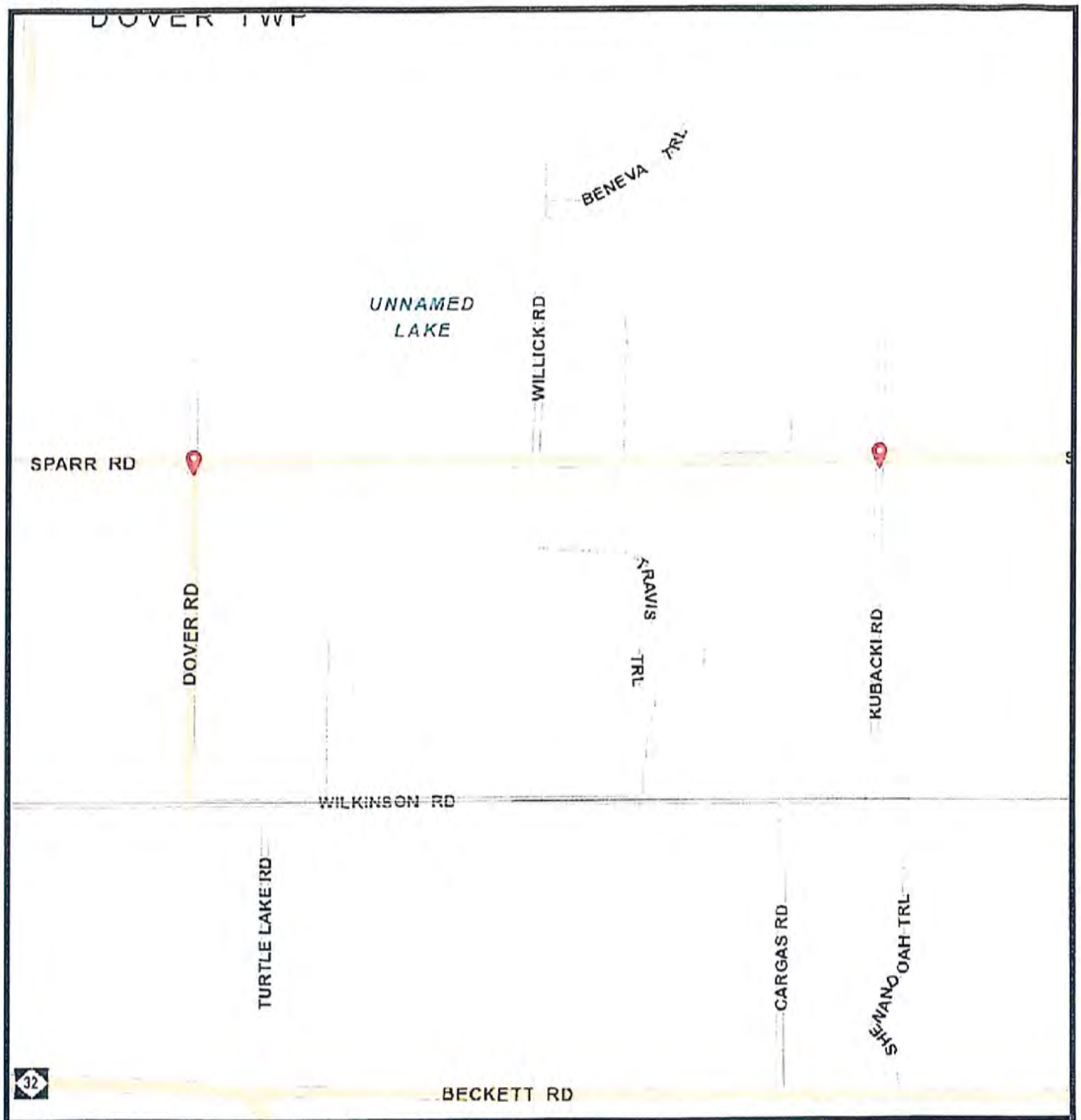
Alternative Financing:

Financing will include the following cost breakdowns:

Federal:	$460,000
Local:	$115,000

Agency Reported Priority: Important

Planning Commission Reported Priority: Important



Otsego County Michigan

Sparr Road

Resurfacing Project

powered by FetchGIS

0.6km
0.4mi

Map Publication:
07/05/2017 1:32 PM

Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Otsego County expresses no warranty for the information displayed on this map document.

Project Title: **Otsego County Road Commission Theisen Road Project**

Agency: Otsego County Road Commission

Project Type: Major Renovation

Year(s) of Project: 2023

Project Description:

This project will include a complete upgrade to Theisen Road from Hallock Road easterly to North Townline Road (2 miles), by adding gravel into the existing asphalt pavement to strengthen the base, grading, and asphalt resurfacing.

Estimated Cost: $820,000

Basis of Cost Estimate: Cost from Engineer

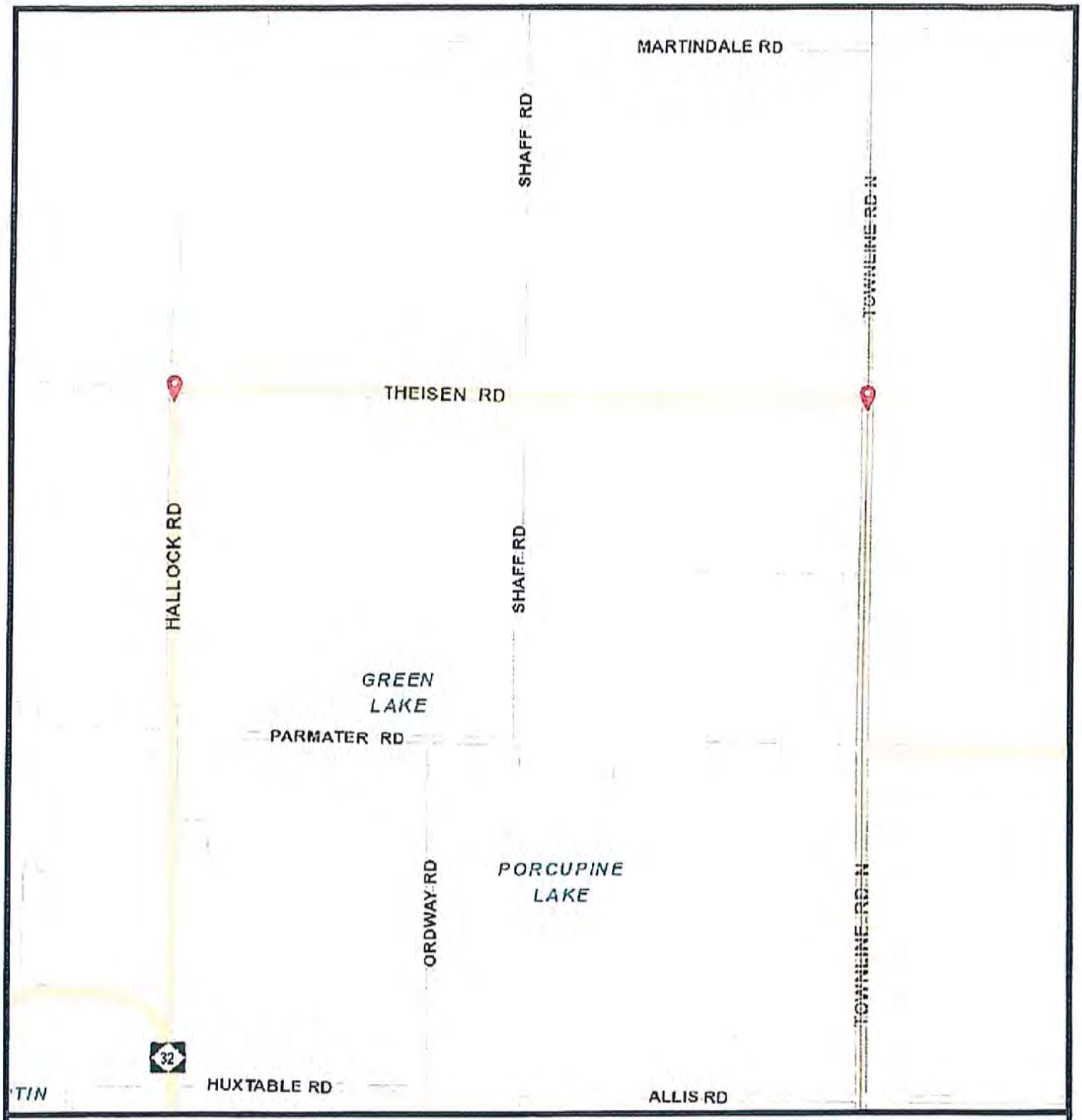
Alternative Financing:

Financing will include the following cost breakdowns:

Federal:	$500,000
Local:	$320,000

Agency Reported Priority: Important

Planning Commission Reported Priority: Important



Otsego County Michigan

Theisen Road

Reconstruction Project

powered by FetchGIS

0.6km
0.4mi

Map Publication:
07/05/2017 1:18 PM

Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Otsego County expresses no warranty for the information displayed on this map document.

APPENDIX A
CAPITAL IMPROVEMENT PLAN
PROJECT SPREADSHEET

Otsego County Six Year Capital Improvement Plan - Appendix A

Project Name	Agency	Project Type	Funding Source(s)	Estimated Cost	P.C. Priority	2018	2019	2020	2021	2022	2023
			85.88% Federal; 4.77%State; 9.35% Local		Important						
Gaylord Regional Airport Box Hangar	Otsego County	New Construction		$437,932				$ 437,932			
North Central State Trail / Iron Belle Trail Extension	Otsego County	New Construction	Various	$2,340,000	Important	$ 2,340,000					
North Central State Trailhead	Otsego County	New Construction	Various	$732,180	Important	$ 732,180					
Otsego County Jail	Otsego County	New Construction	Various	$7,800,000	Important					$ 7,800,000	
Otsego County Library Expansion	Otsego County Library	Facility Expansion	Various	$2,727,000	Urgent	$ 2,727,000					
Otsego County Road Commission Road Projects	OC Road Commission										
Murner Road Reconstruction Project	OC Road Commission	Major Renovation	Federal STP 44%; Local 56%	$817,000	Important	$ 817,000					
North Otsego Lake Drive Reconstruction Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$436,026	Important	$ 436,026					
Hetherton Road Reconstruction Project	OC Road Commission	Major Renovation	Federal STP 40%; Local 60%	$922,000	Important		$ 922,000				
Seymore Road and Kujawa Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$935,000	Important			$ 935,000			
Krys Road Small Urban Project	OC Road Commission	Major Renovation	Federal STP 73%; Local 27%	$516,416	Important		$ 941,250				
Krys Road Resurfacing Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$450,000	Important				$ 450,000		
Sparr Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$575,000	Important					$ 575,000	
Theisen Road Reconstruction Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$820,000	Important						$ 820,000
Total Costs by Year:				$19,508,554		$ 7,052,206	$ 1,863,250	$ 1,372,932	$ 450,000	$ 8,375,000	$ 820,000

*Zoning Ordinance Sections for Review:

*SECTION 21.12 HOME OCCUPATION

The Zoning Administrator shall provide home occupation applicant with a checklist showing which plot plan specifications of Section 25.3.3 need to be provided. Based on that application, the Zoning Administrator shall determine whether the home occupation meets the criteria of this Zoning Ordinance and if so, issue a permit.

The following standards shall govern any home occupation:

21.12.1 Only those persons residing on the premises along with one outside employee shall engage in the occupation, which may be operated for gain.

21.12.2 Signs should be avoided, but if deemed necessary, one (1) non illuminated sign not to exceed two (2) square feet in area may be approved and permitted if it is attached to, and is parallel with the wall of the dwelling unit.

21.12.3 All of the operational nuisances such as noise, vibration, fumes, smoke, odors, lighting, and related shall be strictly confined to the premises, and no activity shall be visible or discernible from any adjoining street or property line.

21.12.4 Structural alterations which are architecturally at variance with the residential unit or which cannot be readily and simply returned to residential use shall be prohibited. Exterior alterations shall not be of a design to indicate or characterize the presence of a home occupation.

21.12.5 The use does not take on the operational character of a business, industrial, or institutional use in terms of parking, traffic (vehicular or pedestrian) loading and unloading, and related features.

21.12.5.1 No traffic generated by such home occupation shall be in greater volumes than normally expected in a residential neighborhood, and any need for parking shall be met off the street and other than in a required front yard, although vehicles may be parked in an existing driveway if it is of sufficient size. No additional on street parking demand shall be generated.

21.12.6 Major activity shall be carried on indoors. There shall be no visible outdoor storage.

21.12.7 Business by customers shall be limited to the hours of eight (8) a.m. to eight (8) p.m.

*SECTION 21.22 MANUFACTURED OR SITE BUILT DWELLING LESS THAN 16 FEET WIDE

Dwelling units less than sixteen (16) feet wide may be used for a one (1) family dwelling in R3, AR and FR zones and must comply with Article 17 SCHEDULE OF DIMENSIONS.

21.22.1 On-site work requiring a building permit shall be complete before placing a manufactured unit on the individual lot.

21.22.2 On-site construction work shall be in accordance with the State Building Code, in conjunction with the manufacturer's specifications.

21.22.3 The perimeter of a manufactured unit after placement shall be skirted with approved materials and shall be aesthetically comparable to on-site construction.

21.22.4 On-site structural additions to a manufactured unit shall comply with the State Building Code and shall not impose any loads on the unit or nullify any warranties of the unit. No addition shall interfere with the egress, light or ventilation of the unit. Removal of the original manufactured unit for any reason shall be the responsibility of the owner.

21.22.5 Manufactured expandos, add-a-rooms, compatible with the unit are allowed and shall comply with this section. All manufactured additions must have the approval of an inspection agency.

21.22.6 **UNITS MANUFACTURED PRIOR TO 1976 (TITLE DATE) SHALL NOT BE INSTALLED.**

*SECTION 21.33 RECREATIONAL EQUIPMENT OR TRAILER

For the purposes of this section, recreational equipment includes travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers, dune buggies, and other similar equipment meeting the intent of this Ordinance.

21.33.1 The parking or storage of any recreational equipment or trailers in R1 & R2 Districts and platted subdivisions shall be subject to the following:

21.33.1.1 No recreational equipment or trailers shall be parked or stored on any lot in a residential district except in a rear yard and no such equipment shall be used for living, or housekeeping purposes when parked or stored on a residential lot.

21.33.1.2 Parking in a side yard may be permitted by the Zoning Administrator in those instances where the rear yard is inaccessible, or impractical to use.

21.33.2 Unless otherwise regulated in travel trailer courts in this Ordinance, travel trailers may be stored and/or occupied as temporary recreation housing in R3, RR, FR and AR Districts with a zoning permit granted by the Zoning Administrator, provided:

21.33.2.1 The unit is maintained in safe and ready running condition, has a valid and current trailer license for highway travel, and can be towed from the premises by ordinary domestic vehicle on thirty (30) minutes notice.

21.33.2.2 The unit shall be served by an approved on-site sanitary disposal system, but shall not be attached to the sanitary system (or to a water supply) in such a manner as to preclude the units' mobility as defined under Item 1 above.

21.33.2.3 No travel trailer permitted under this Section shall be occupied for more than forty-five (45) days in any calendar year.

21.33.2.4 The unit shall not be enlarged with any structural annex or addition.

21.33.2.5 Travel trailers may be used as temporary dwellings in any district until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Permit has been issued. Upon application for a temporary dwelling permit from the Zoning Administrator, the applicant may obtain a permit for an initial period not to exceed one hundred eighty (180) days from the effective date of the permit; and upon showing reasonable and diligent progress, may renew the permit. Sanitary facilities are subject to Health Department approval.

21.33.2.6 Subject to review and approval by the County Planning Commission, travel trailers may be used in B3 or I District for the purpose of establishing a watchman or caretaker's office, but only as an accessory use to the main use of the premises. Time limitation on the duration of the use may be set by the Planning Commission.

21.33.3 Campgrounds: Special use permits may be granted by the Planning Commission for private travel trailer courts, tenting areas, and general camping grounds (commercial campgrounds) in R3, FR, AR and B1 Districts when the site plan has been reviewed and approved by the Planning Commission, provided that:

21.33.3.1 The minimum County and/or State of Michigan health requirements governing travel trailer courts and camping areas for public use are complied with.

21.33.3.2 The use is developed on a site of at least twenty (20) acres and is at least six hundred (600) feet in width.

21.33.3.3 No person shall occupy any trailer, tent, or house car unit for more than six (6) months in any one (1) year.

21.33.3.4 The use is effectively screened from public streets and thoroughfares, and adjacent R1, R2 or RR Districts.

21.33.3.5 Minimum dimensions shall be forty (40) feet by forty (40) feet for each site in a trailer court.

21.33.3.6 Site Plan is required. (See Article 23)

FROM THE DESK OF JIM MOUCH, DIRECTOR.....

Director's Communication

8/14/2017

Primary Business Address
1322 Hayes Road
Gaylord, MI 49735

Phone: 989-731-7400
Fax: 989-731-7413
E-mail:
jmouch@otsegocountymi.gov

Otsego County Land Use
Building Permits for Moderate / Large Commercial Projects
14-Aug-17

Permit Number	Names of Business	Address	Type of Work	Sq Ft	Type of Business
Date:	01/01/2017 thru 05/09/2017				
PB17-0014	DTX International	10719 Waters RV DR	Alteration	2710	International Sales
PB17-0027	Sugar Bowl Restaurant	216 W Main St	Alteration	850	Bar/Restaurant
PB17-0040	Straightaway Auto	2443 S Otsego	Alteration	2520	Automobile Sales
PB17-0042	Simple Auto	1385 W Main	Alteration		Automobile Sales
PB17-0056	Apartment Building	132 W Main	Alteration	3284	Apartment Rentals
PB17-0057	Beaver Creek Pool	5004 W Otsego Lake Dr	New	581	Deck/Ramps-Pool Area
PB17-0083	Royal Truck & Trailer Sales	1068 O'Rourke	Alteration	2400	Truck/Trailer Sales
PB17-0105	GoNorth Properties	127 W Main St	Alteration	3500	1st Floor Book Sales
PB17-0110	Treetops	3962 Wilkenson Rd	Alteration	1770	Pool Room, 1st Floor Bathrooms
PB17-0112	Sheldon Apartments	831 W Sheldon	New		Carports for Tenants
PB17-0118	O'Reilys Auto Parts	1367 W Main St	Demo/New	3000	Automobile Supply Sales
PB17-0120	Barbat Investments	121 S Wisconsin St	Alteration	2097	Provisioning Center
PB17-0121	721 S Otsego County Ave LLC	721 S Otsego Ave	Alteration	2067	Fitness Center
PB17-0125	Stricker Supply	1389 S Otsego Ave	New	4480	Concrete/Monument Showroom Warehouse
PB17-0134	Kent Properties	1782 O'Rourke Blvd	New	9000	Warehouse
PB17-0136	Rusty Pelican	240 W Main St	Alteration	252	Storefront/Building Alterations
Date:	04/18/2017 thru 05/09/2017				
PB17-0145	Grace Baptist Church	232 S Townline	General Regulations		Converting to Resale Shop
PB17-0150	OREMB, LLC	281 Expressway Ct	Alteration	3200	Commercial
PB17-0154	Burger King	2801 S Otsego Ave	Alteration	4170	Restaurant
PB17-0162	Petsmart	2344 M32 West	Alteration	14082	Pet Supply Store
PB17-0174	Albie's	1534 O'Rourke Blvd	Addition/Alteration	4880	Food Manufacturer

PB17-0217	Otsego Memorial Hospital	825 N Center St	Addition/Alteration	149240	Surgery and Emergency Room Expansion
	05/09/2017 thru 06/12/2017				
PB17-0250	Skiba	101 7th Street	New		Duplex (8 Buildings)
PB17-0282	Jerry Beattie	2481 S. Otsego Ave.	Addition/Alteration		Addition to Storage Buildings
PB17-0329	Deshano	910 W. Sheldon	New		Carports for Tenants
	06/13/2017 thru 07/10/2017				
PB17-0354	VFW Gaylord Post	1905 S. Otsego Ave.	New		New Building
PB17-0355	David Miller/Edgewood Holdings	226 S. Indiana Ave.	New		New Pole Barn
PB17-0356	Family Dollar	8321 Mill St., Vanderbilt	New		New Building
	07/11/2017 thru 8/10/2017				
PB17-0471	Cherry Capital Connection LLC	4274 Martindale Rd	New		New Tower
PB17-0484	Korthase Flinn Insurance	711 W. Main St.	Alternation		Demo, Interior & Exterior Remodel
PB17-0499	Edgewood Holdings LLC	408 W. 4th Street	Alternation		Demo, Re-skin & Remodel, Addition
PB17-0506	Bavarian Group	810 S. Otsego	Alternation		Remodel interior into four offices
PB17-0517	Johnson Oil/Ellison Place	150 Dale Dr.	Exterior		Lanscaping, footing piers 3' x 3'
PB17-0518	MichCon Gas Comp./DTE	117 Old State Rd.	New	81	Commerical Steel Building
PB17-0520	MichCon Gas Comp./DTE	117 Old State Rd.	New	231	Commerical Steel Building
PB17-0521	MichCon Gas Comp./DTE	117 Old State Rd.	New	711	Commerical Steel Building
PB17-0538	Gaylord Assisted Living LLC	1201 Village Parkway	New	16841	Commerical Adult Foster Care/Assisted Living Facility
PB17-0554	M & M Excavating	17 Old State Rd	New		Commerical Office Addition & Remodel
PZ17-191	Proposed Owner-Steve Butka	Charles Brink Rd	New		Craft/Micro and Tasting Room

Otsego County Land Use
Permit(s) / Enforcement(s) by Category Summary Report(s)
8/10/2017

	Zoning Applications	Enforcements	Building Applications	Electrical Applications	Mechanical Applications	Plumbing Applications
01/01/17 thru 08/10/17	185	255	494	258	162	93
01/01/16 thru 08/10/16	252	254	589	287	264	99
01/01/15 thru 08/10/15	152	235	516	244	212	75

Otsego County Land Use Services
Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Building AND Permit.DateIssued Between 1/1/2015 12:00:00 AM AND 8/11/2015 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
BUILDING (ACCESSORY) - COMMERICIAL	$8,749.89	10
BUILDING (ACCESSORY) - RESIDENTIAL	$24,212.00	64
BUILDING (ALTER, ENLARGE, REPAIR) - COMMERCIAL	$26,513.00	48
BUILDING (ALTER, ENLARGE, REPAIR) - RESIDENTIAL	$27,695.00	62
BUILDING (NEW) - COMMERCIAL	$10,071.20	4
BUILDING (NEW) - RESIDENTIAL	$28,412.00	18
DECK	$8,071.00	38
DEMOLITION	$6,036.00	31
EXTERIOR WALL (AIR BARRIER, DOOR, SIDING, WINDOW)	$135.00	1
EXTERIOR WALL (AIR BARRIER, DOOR, WINDOW)	$8,401.00	50
MISCELLANEOUS	$304.00	1
PORCH	$641.00	3
ROOF ASSEMBLIES	$27,051.00	156
SAFETY	$2,045.00	17
SIGNS	$2,815.00	13
Grand Totals	**$181,152.09**	**516**

Otsego County Land Use Services
Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Building AND Permit.DateIssued Between 1/1/2016 12:00:00 AM AND 8/11/2016 11:59:59 PM

Population: All Records	Permit Fee(s)	Permit(s)
BUILDING (ACCESSORY) - COMMERICIAL	$5,092.00	8
BUILDING (ACCESSORY) - RESIDENTIAL	$29,031.00	81
BUILDING (ALTER, ENLARGE, REPAIR) - COMMERCIAL	$27,574.00	45
BUILDING (ALTER, ENLARGE, REPAIR) - RESIDENTIAL	$33,430.00	85
BUILDING (NEW) - COMMERCIAL	$95,657.00	12
BUILDING (NEW) - RESIDENTIAL	$26,585.00	22
DECK	$5,363.00	28
DEMOLITION	$9,910.00	32
EXTERIOR WALL (AIR BARRIER, DOOR, SIDING, WINDOW)	$10,042.00	68
MISCELLANEOUS	$701.00	3
PORCH	$1,606.00	6
ROOF ASSEMBLIES	$24,259.00	168
SAFETY	$1,945.00	17
SIGNS	$2,272.00	14
Grand Totals	**$273,467.00**	**589**

Otsego County Land Use Services
Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Building AND Permit.DateIssued Between 1/1/2017 12:00:00 AM AND 8/11/2017 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
BUILDING - CONSULTATION	$170.00	2
BUILDING (ACCESSORY) - COMMERICIAL	$6,807.00	7
BUILDING (ACCESSORY) - RESIDENTIAL	$19,953.00	56
BUILDING (ALTER, ENLARGE, REPAIR) - COMMERCIAL	$39,947.00	27
BUILDING (ALTER, ENLARGE, REPAIR) - RESIDENTIAL	$26,040.00	65
BUILDING (NEW) - COMMERCIAL	$23,176.00	10
BUILDING (NEW) - RESIDENTIAL	$28,487.00	25
DECK	$8,212.13	41
DEMOLITION	$4,359.00	24
EXTERIOR WALL (AIR BARRIER, DOOR, SIDING, WINDOW)	$5,860.00	47
GENERAL REGULATIONS	$1,935.00	21
MISCELLANEOUS	$85.00	1
PORCH	$1,001.00	3
ROOF ASSEMBLIES	$22,101.00	157
SIGNS	$1,542.00	8
Grand Totals	**$189,675.13**	**494**

Otsego County Land Use Services
Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Electrical AND Permit.DateIssued Between 1/1/2015 12:00:00 AM AND 8/11/2015 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
BUILDING (ACCESSORY) - COMMERICIAL	$781.00	4
BUILDING (ACCESSORY) - RESIDENTIAL	$2,278.00	14
BUILDING (ALTER,ENGLARGE,REPAIR) - COMMERCIAL	$5,393.10	32
BUILDING (ALTER,ENGLARGE,REPAIR) - RESIDENTIAL	$8,061.00	41
BUILDING (NEW) - COMMERCIAL	$639.00	2
BUILDING (NEW) - RESIDENTIAL	$2,844.00	10
ELECTRICAL - FIRE PROTECTION	$878.35	4
ELECTRICAL - GENERATOR	$675.00	7
ELECTRICAL - MISCELLANEOUS	$936.00	8
ELECTRICAL - SAFETY	$1,128.00	11
ELECTRICAL - SERVICE	$10,564.00	91
ELECTRICAL - SERVICE (TEMPORARY)	$2,375.00	11
ELECTRICAL - SIGNS	$915.00	9
Grand Totals	**$37,467.45**	**244**

Otsego County Land Use Services
Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Electrical AND Permit.DateIssued Between 1/1/2016 12:00:00 AM AND 8/11/2016 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
BUILDING (ACCESSORY) - COMMERICIAL	$246.00	2
BUILDING (ACCESSORY) - RESIDENTIAL	$4,564.00	26
BUILDING (ALTER,ENGLARGE,REPAIR) - COMMERCIAL	$8,030.00	39
BUILDING (ALTER,ENGLARGE,REPAIR) - RESIDENTIAL	$10,876.00	65
BUILDING (NEW) - COMMERCIAL	$8,809.00	14
BUILDING (NEW) - RESIDENTIAL	$3,843.00	14
ELECTRICAL - FIRE PROTECTION	$3,527.84	8
ELECTRICAL - GENERATOR	$2,182.00	19
ELECTRICAL - MISCELLANEOUS	$966.00	8
ELECTRICAL - SAFETY	$897.00	9
ELECTRICAL - SERVICE	$7,665.00	68
ELECTRICAL - SERVICE (TEMPORARY)	$846.00	8
ELECTRICAL - SIGNS	$914.00	7
Grand Totals	**$53,365.84**	**287**

Otsego County Land Use Services
Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Electrical AND
Permit.DateIssued Between 1/1/2017 12:00:00 AM AND
8/11/2017 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
*BUILDING (ACCESSORY) - COMMERICIAL	$1,603.00	7
*BUILDING (ACCESSORY) - RESIDENTIAL	$3,422.00	20
*BUILDING (ALTER,ENGLARGE,REPAIR) - COMMERCIAL	$8,902.00	34
*BUILDING (ALTER,ENGLARGE,REPAIR) - RESIDENTIAL	$11,916.00	67
*BUILDING (NEW) - COMMERCIAL	$785.00	2
*BUILDING (NEW) - RESIDENTIAL	$4,559.00	19
APPLIANCES	$95.00	1
ELECTRICAL - SERVICE	$93.00	1
FIRE PROTECTION	$1,685.00	10
GENERATOR	$776.00	7
SERVICE	$8,524.00	80
SIGN	$802.00	9
UNDERGROUND	$155.00	1
Grand Totals	**$43,317.00**	**258**

Otsego County Land Use Services
Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Mechanical AND Permit.DateIssued Between 1/1/2015 12:00:00 AM AND 8/11/2015 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
BUILDING (ALTER,ENLARGE,REPAIR) - COMMERCIAL	$1,221.50	8
BUILDING (ALTER,ENLARGE,REPAIR) - RESIDENTIAL	$5,270.00	31
BUILDING (NEW) - COMMERCIAL	$459.00	1
BUILDING (NEW) - RESIDENTIAL	$993.00	5
MECHANICAL - APPLIANCE(S) / FURNACE	$9,472.00	78
MECHANICAL - BOILER / WATER HEATER / PRESSURE VESSEL	$3,674.00	34
MECHANICAL - CHIMNEY(S) AND VENT(S)	$218.00	2
MECHANICAL - DUCT SYSTEMS	$210.00	2
MECHANICAL - EXHAUST SYSTEMS	$89.00	1
MECHANICAL - FIRE SUPPRESSION	$560.50	4
MECHANICAL - PIPING	$687.00	5
MECHANICAL - REFRIGERATION	$2,053.00	16
MECHANICAL - SAFETY	$201.00	2
MECHANICAL - SOLID FUEL-BURNING EQUIPMENT	$2,127.00	17
MECHANICAL - UNDERFLOOR / UNDERGROUND	$135.00	1
MECHANICAL - VENTILATION	$613.00	5
Grand Totals	**$27,983.00**	**212**

Otsego County Land Use Services
Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Mechanical AND Permit.DateIssued Between 1/1/2016 12:00:00 AM AND 8/11/2016 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
BUILDING (ACCESSORY) - COMMERCIAL	$114.00	1
BUILDING (ALTER,ENLARGE,REPAIR) - COMMERCIAL	$3,969.00	17
BUILDING (ALTER,ENLARGE,REPAIR) - RESIDENTIAL	$3,264.00	21
BUILDING (NEW) - COMMERCIAL	$3,953.00	4
BUILDING (NEW) - RESIDENTIAL	$2,968.00	12
MECHANICAL - APPLIANCE(S) / FURNACE	$710.00	6
MECHANICAL - APPLIANCE(S) / HVAC	$670.00	6
MECHANICAL - APPLIANCES - FURNACE	$3,514.00	22
MECHANICAL - APPLIANCES - OTHER	$1,440.00	13
MECHANICAL - APPLIANCES - SOLID FUEL	$1,050.00	8
MECHANICAL - APPLIANCES / HVAC	$9,697.00	87
MECHANICAL - BOILER	$222.00	2
MECHANICAL - BOILER / WATER HEATER / PRESSURE VESSEL	$365.00	3
MECHANICAL - BOILERS - WATER HEATERS	$571.00	5
MECHANICAL - DUCT SYSTEMS	$291.00	1
MECHANICAL - EXHAUST SYSTEMS	$729.00	8
MECHANICAL - FIRE PROTECTION	$3,299.00	6
MECHANICAL - FURANCE	$141.00	1
MECHANICAL - FURNACE	$327.00	3
MECHANICAL - MISCELLANEOUS	$1,077.00	7
MECHANICAL - PIPING	$1,278.00	6
MECHANICAL - PRESSURE VESSEL	$103.00	1
MECHANICAL - REFRIGERATION	$3,289.00	18
MECHANICAL - SAFETY	$255.00	3

Otsego County Land Use Services
Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Mechanical AND Permit.DateIssued Between 1/1/2017 12:00:00 AM AND 8/11/2017 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
*BUILDING (ACCESSORY) - COMMERCIAL	$237.00	1
*BUILDING (ACCESSORY) - RESIDENTIAL	$550.00	4
*BUILDING (ALTER,ENLARGE,REPAIR) - COMMERCIAL	$3,973.00	16
*BUILDING (ALTER,ENLARGE,REPAIR) - RESIDENTIAL	$5,968.00	39
*BUILDING (NEW) - COMMERCIAL	$3,543.00	5
*BUILDING (NEW) - RESIDENTIAL	$3,534.00	16
APPLIANCES-FIREPLACE/SOLID FUEL	$1,006.00	8
APPLIANCES-GAS/OIL EQUIPMENT	$5,902.00	47
BOILERS/WATER HEATERS/PRESSURE VESSELS	$1,271.00	7
BUILDING (ALTER,ENLARGE,REPAIR) - COMMERCIAL	$2,727.00	1
CHIMNEYS/VENTS	$245.00	2
DUCT SYSTEMS	$288.00	2
EXHAUST SYSTEMS	$555.00	3
FIRE SUPPRESSION	$626.00	4
FUEL OIL PIPING/STORAGE	$97.00	1
GENERAL REGULATIONS	$117.00	1
REFRIGERATION	$472.00	4
UNDERFLOOR/UNDERGROUND	$85.00	1
Grand Totals	**$31,196.00**	**162**

Otsego County Land Use Services

Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Plumbing AND Permit.DateIssued Between 1/1/2015 12:00:00 AM AND 8/11/2015 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
BUILDING (ALTER,ENLARGE,REPAIR) - COMMERCIAL	$3,243.00	18
BUILDING (ALTER,ENLARGE,REPAIR) - RESIDENTIAL	$7,878.00	46
BUILDING (NEW) - COMMERCIAL	$643.00	3
BUILDING (NEW) - RESIDENTIAL	$1,769.00	7
PLUMBING - SAFETY	$85.00	1
Grand Totals	**$13,618.00**	**75**

Otsego County Land Use Services

Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Plumbing AND Permit.DateIssued Between 1/1/2016 12:00:00 AM AND 8/11/2016 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
BUILDING (ACCESSORY) - COMMERCIAL	$151.00	1
BUILDING (ACCESSORY) - RESIDENTIAL	$592.00	3
BUILDING (ALTER,ENLARGE,REPAIR) - COMMERCIAL	$3,223.00	17
BUILDING (ALTER,ENLARGE,REPAIR) - RESIDENTIAL	$6,147.00	35
BUILDING (NEW) - COMMERCIAL	$7,427.00	11
BUILDING (NEW) - RESIDENTIAL	$3,232.00	16
PLUMBING - FIXTURES, FAUCETS, FIXTURE FITTINGS	$431.00	3
PLUMBING - MISCELLANEOUS	$232.00	2
PLUMBING - SAFETY	$178.00	2
PLUMBING - SANITARY DRAINAGE	$1,140.00	4
PLUMBING - WATER HEATER	$178.00	2
PLUMBING - WATER SUPPLY AND DISTRIBUTION	$178.00	2
WATER HEATER	$89.00	1
Grand Totals	**$23,198.00**	**99**

Otsego County Land Use Services

Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Plumbing AND Permit.DateIssued Between 1/1/2017 12:00:00 AM AND 8/11/2017 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
*BUILDING (ACCESSORY) - COMMERCIAL	$326.00	2
*BUILDING (ACCESSORY) - RESIDENTIAL	$513.00	3
*BUILDING (ALTER,ENLARGE,REPAIR) - COMMERCIAL	$3,133.00	9
*BUILDING (ALTER,ENLARGE,REPAIR) - RESIDENTIAL	$5,772.00	34
*BUILDING (NEW) - COMMERCIAL	$3,721.00	9
*BUILDING (NEW) - RESIDENTIAL	$3,660.00	18
FIXTURES/FAUCETS/FIXTURE FITTINGS	$1,496.00	10
WATER HEATERS	$681.00	7
WATER SUPPLY/DISTRIBUTION	$85.00	1
Grand Totals	**$19,387.00**	**93**

Otsego County Land Use Services

Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Zoning AND
Permit.DateIssued Between 1/1/2015 12:00:00 AM AND
8/11/2015 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
SALES-COPIES-FOIA	$224.00	3
ZONING-(ACCESSORY STRUCTURE) <= 200 SQ FT	$520.00	8
ZONING-(ACCESSORY STRUCTURE)-COMMERICAL	$320.00	4
ZONING-(ACCESSORY STRUCTURE)-RESIDENTIAL	$4,305.00	54
ZONING-(ALTER,ENLARGE,REPAIR)-COMMERCIAL	$455.00	5
ZONING-(ALTER,ENLARGE,REPAIR)-RESIDENTIAL	$1,760.00	22
ZONING-(NEW)-RESIDENTIAL	$1,280.00	16
ZONING-ANIMALS	$130.00	2
ZONING-DECK	$520.00	8
ZONING-DECK <= 200 SQ FT (NOT EGRESS)	$520.00	8
ZONING-FENCE	$450.00	8
ZONING-HOME OCCUPATION	$65.00	1
ZONING-RESIDENTIAL	$240.00	3
ZONING-SHORELAND	$700.00	7
ZONING-SIGN	$405.00	3
Grand Totals	**$11,894.00**	**152**

Otsego County Land Use Services

Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Zoning AND
Permit.DateIssued Between 1/1/2016 12:00:00 AM AND
8/11/2016 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
ZONING-(ACCESSORY STRUCTURE) <= 200 SQ FT	$1,440.00	24
ZONING-(ACCESSORY STRUCTURE)-COMMERICAL	$80.00	1
ZONING-(ACCESSORY STRUCTURE)-RESIDENTIAL	$5,595.00	69
ZONING-(ALTER,ENLARGE,REPAIR)-COMMERCIAL	$80.00	1
ZONING-(ALTER,ENLARGE,REPAIR)-RESIDENTIAL	$2,705.00	34
ZONING-(NEW)-COMMERICIAL	$180.00	1
ZONING-(NEW)-RESIDENTIAL	$1,680.00	21
ZONING-AG EXEMPT	$370.00	4
ZONING-ANIMALS	$130.00	2
ZONING-CAMPING	$1,900.00	27
ZONING-DECK	$520.00	8
ZONING-DECK <= 200 SQ FT (NOT EGRESS)	$405.00	6
ZONING-FENCE	$780.00	13
ZONING-HOME OCCUPATION	$130.00	2
ZONING-LAND DIVISION	$1,900.00	23
ZONING-SHORELAND	$1,265.00	13
ZONING-SIGN	$405.00	3
Grand Totals	**$19,565.00**	**252**

Otsego County Land Use Services
Permit(s) by Category Summary Report

Report Date
08/11/2017

Permit.PermitType = Zoning AND Permit.DateIssued Between 1/1/2017 12:00:00 AM AND 8/11/2017 11:59:59 PM

Population: All Records

	Permit Fee(s)	Permit(s)
ZONING-(ACCESSORY STRUCTURE) <= 200 SQ FT	$390.00	9
ZONING-(ACCESSORY STRUCTURE)-RESIDENTIAL	$1,760.00	22
ZONING-(ALTER,ENLARGE,REPAIR)-COMMERCIAL	$135.00	1
ZONING-(ALTER,ENLARGE,REPAIR)-RESIDENTIAL	$865.00	11
ZONING-(NEW)-COMMERICIAL	$80.00	1
ZONING-(NEW)-RESIDENTIAL	$240.00	3
ZONING-AG EXEMPT	$480.00	6
ZONING-CAMPING	$830.00	16
ZONING-CAMPING PERMIT	$650.00	10
ZONING-COMMERICIAL	$160.00	2
ZONING-DECK	$390.00	6
ZONING-DECK <= 200 SQ FT (NOT EGRESS)	$165.00	2
ZONING-FENCE	$140.00	4
ZONING-LAND DIVISION	$325.00	4
ZONING-PARCEL DIVISION - LOT LINE ADJUSTMENT	$225.00	3
ZONING-RESIDENTIAL	$5,910.00	78
ZONING-SHORELAND	$500.00	5
ZONING-SIGN PERMIT	$270.00	2
Grand Totals	**$13,515.00**	**185**

Otsego County Land Use Services

Enforcement(s) by Category Summary Report

Report Date
08/11/2017

Enforcement.DateFiled Between 1/1/2015 12:00:00 AM AND 8/11/2015 11:59:59 PM

Population: All Records

	Enforcement Fee(s)	Permit(s)
MICHIGAN BUILDING CODE (COMMERICIAL)	$0.00	29
MICHIGAN RESIDENTIAL CODE	$0.00	83
PROPERTY MAINTENANCE CODE	$0.00	74
ZONING ORDINANCE CODE	$0.00	49
Grand Totals	**$0.00**	**235**

Otsego County Land Use Services

Enforcement(s) by Category Summary Report

Report Date
08/11/2017

Enforcement.DateFiled Between 1/1/2016 12:00:00 AM AND 8/11/2016 11:59:59 PM

Population: All Records

	Enforcement Fee(s)	Permit(s)
MICHIGAN BUILDING CODE (COMMERICIAL)	$0.00	25
MICHIGAN RESIDENTIAL CODE	$0.00	79
PROPERTY MAINTENANCE CODE	$50.00	51
ZONING ORDINANCE CODE	$0.00	99
Grand Totals	**$50.00**	**254**

Otsego County Land Use Services

Enforcement(s) by Category Summary Report

Report Date
08/11/2017

Enforcement.DateFiled Between 1/1/2017 12:00:00 AM AND 8/11/2017 11:59:59 PM

Population: All Records

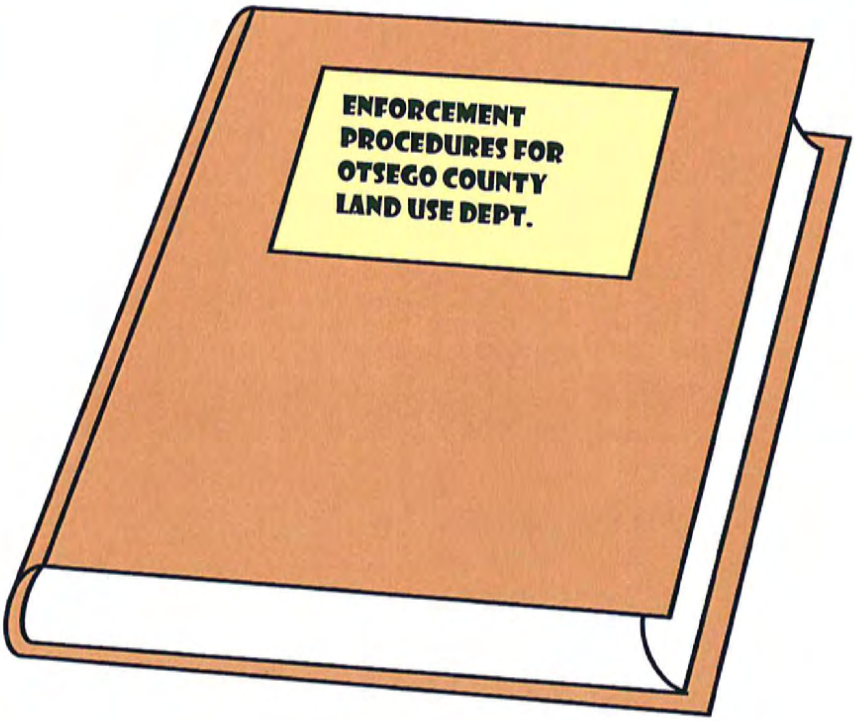
	Enforcement Fee(s)	Permit(s)
MICHIGAN BUILDING CODE (COMMERICIAL)	$0.00	24
MICHIGAN RESIDENTIAL CODE	$0.00	53
PROPERTY MAINTENANCE CODE	$0.00	22
ZONING ORDINANCE CODE	$800.00	156
Grand Totals	**$800.00**	**255**

2017

Otsego County Land Use Services Department

ENFORCEMENT PROCEDURES

JIM MOUCH, DIRECTOR



Address: 1322 Hayes Rd
Gaylord, MI 49735

Phone: 989-731-7400

Fax: 989-731-7419

E-mail:
JMOUCH@OTSEGOCOUNTYMI.GOV

Addendum (7) in purple and 14 pt.

jim
From: James Mouch
Sent: Thursday, August 03, 2017 7:47 AM
To: Christine Boyak-Wohlfeil; Kevan Flory; Jeff Proux; Larry Kent
Cc: Rachel Frisch; chuckselectricofgaylord@yahoo.com; jnorton144@hotmail.com; jcaverson@wadetrim.com; hilgendorf_james@yahoo.com; jjarecki36@gmail.com; kenneth.arndt@arndtandassoc.com; ken@kenborton.com; noraholly@sbcglobal.net; 'Paul Hartmann'; steve.bauman@hotmail.com; steve.bauman@hotmail.com; wishlb@outlook.com
Subject: RE: *** New Enforcement Process *** Addendum from email sent 07/21/2017

Hi, Christine, Kevan, Jeff, Larry

Have performed a reset to all 2017 and 2016 uncorrected Enforcements.

Enforcement Process for "Zoning Ordinance" and "Property Maintenance Code" that will began immediately.

1.	"Notice of Correction"	letter	Sent for correction to occur within 14 days.	1st Class Mail
2.	"Notice of Violation"	letter	Sent if not compliant with 1 and sent for correction to occur within 14 days.	Registered Mail
3.	"Notice of Citation"	letter	Sent if not compliant with 2.	Registered Mail

Please find attached the new automated letter(s) in template form that will be sent in reference to (1,2,3 above); "Notice of Correction"; (attachment); "Notice of Violation" (attachment); and "Notice of Citation" (attachment). These letter(s) will be sent to the property owner, and occupant if different than the owner and if known.

The following Enforcement Process:

Notice of Correction Letter

1. Upon receipt of a complaint, Otsego County Land Use shall assign an inspector to investigate the complaint to verify the violation.
    a. Schedule Inspection
    b. Take picture(s) of violation and upload to database.
    c. From the database, select the appropriate "Zoning Ordinance" or "Property Maintenance" Section that will automatically interface with the above letter template(s).
    d. Enter result of the Enforcement: (Violation, No Violation)
    e. If "No Violation"; Close Enforcement.
    f. If "Violation":
        i. Edit the Inspector Comment(s) field with the specific violation(s) that need to be corrected.
        ii. Print "Notice of Correction" letter(s) and send 1st Class Mail.
        iii. A follow up inspection will automatically be scheduled in 14 days with the same inspector if "violation" has been selected.

Notice of Violation(s) Letter

2. In the event that no action was taken within the 14 days by the property owner/occupant following the mailing of the "Notice of Correction" or if the property owner/occupant denies responsibility for the violation;;

a. Perform 2nd Inspection
b. Take picture(s) of violation and upload to database.
c. Enter result of the Enforcement: (Violation, No Violation)
d. If "No Violation"; Close Enforcement.
e. If "Violation":
    i. Edit the Inspector Comment(s) field with the specific violation(s) that need to be corrected.
    ii. Review Enforcement with Director of Land Use.
    iii. Print "Notice of Violation" letter(s) and send Certified Mail.
    iv. Invoice owner/occupant a fine of $50.00 and send statement with iii.
    v. A follow up inspection will automatically be scheduled in 14 days with the same inspector if "violation" has been selected.
        1. Change inspector to the Director of Land Use.

Notice of Citation(s) Letter

3. In the event that no action was taken within the 14 days by the property owner/occupant following the mailing of the "Notice of Violation" or if the property owner/occupant denies responsibility for the violation;
    a. Perform 3rd Inspection
    b. Take picture(s) of violation and upload to database.
    c. Enter result of Enforcement: (Violation, No Violation)
    d. If "No Violation"; Close Enforcement.
    e. If "Violation";
        i. Edit the Inspector Comment(s) field with the specific violation(s) that need to be corrected.
        ii. Review the Enforcement with County Attorney if necessary.
        iii. Print "Notice of Citation" letter(s); complete a "Municipal Civil Infraction Ticket" and send **Certified Mail**.
        iv. Provide copy of the "Municipal Civil Infraction Ticket" to the District Court Clerk and the matter will, from then on, be within the jurisdiction of the District Court.

Reference Materials:
Land Use Services – Ordinance Enforcement Policy (attachment)
Otsego County Zoning Ordinance – Article 25 – Administration and Enforcement (attachment)
Otsego County Municipal Civil Infractions Ordinance (attachment)

Jim Mouch
Otsego County Land Use Services
989-731-7400
jmouch@otsegocountymi.gov

FROM THE DESK OF JIM MOUCH, DIRECTOR.....

NOTICE OF CORRECTIONS

8/14/2017

Primary Business Address
1322 Hayes Road
Gaylord, MI 49735

Phone: 989-731-7400
Fax: 989-731-7413
E-mail:
jmouch@otsegocountymi.gov

OTSEGO COUNTY LAND USE SERVICES
1322 HAYES RD
GAYLORD, MI. 49735
(989) 731-7400 fax (989) 731-7419

[String.Parcel Owner.Name]
[String.Parcel Owner.AddressDisplayString]
[String.Parcel Owner.CityStateZip]

Enforcement Number:	**[String.Enforcement.EnforcementNumber]**
Parcel ID Number:	**[String.Parcel.ParcelNumber]**
Enforcement Category:	**[String.Enforcement.Category]**
Inspection Type:	**[String.Inspection.InspectionType]**
Inspection Result:	**[System String.Inspection.Result]**
Inspector:	**[String.Inspection.Inspector]**

Property Address: [String.Property.AddressDisplayString]

NOTICE OF CORRECTION(S)

A representative of Otsego County Land Use Services conducted an inspection on **[DateTime.Inspection.DateTimeScheduled:MM/dd/yyyy]** and listed below are the following areas of violation(s) with the Otsego County Zoning Ordinance that were found:

Inspector Comments:

[String.Violations.Open/Category (w/ Filed As)]

Warning to responsible party:

- Area(s) of violation(s) with the Otsego County Zoning Ordinance **shall be corrected within 14 days of postmark.**
- Any damage or injury resulting from delay or failure to comply with this "Notice of Correction(s)" will be attributed to negligence on the part of the responsible party.

Please note the following:

- If the responsible party contacts Otsego County Land Use Services immediately in response to this "Notice of Corrections(s)" initial letter, Land Use Services shall work with the responsible party to insure that the violation(s) are corrected in a reasonable period of time as agreed upon between the responsible party and Land Use Services. Otsego County Land Use Services shall continue to monitor the property to verify that the responsible party is complying with the agreed correction(s) of the violation(s).
- In the event that no action is taken by the responsible party following the written "Notice of Correction(s) and the listed violation(s), Otsego County Land Use Services shall follow the procedures required for issuance of a Municipal Civil Infraction Citation. Otsego County Land Use Services shall mail to the responsible party a "Notice of Violation(s)" letter advising the responsible party that they have 14 days to contact Otsego County Land Use Services, pay a **$50** fine and arrange for the correction(s) of the violation(s). The responsible party may instead choose to deny responsibility for the violation(s).
- If the property owner contacts Otsego County Land Use Services, pays the **$50** fine and agrees to correct the violation(s), Land Use Services shall work with the responsible party to arrange for the violation(s) to be corrected within a reasonable amount of time. Land Use Services shall continue to monitor the property to verify that the responsible party is complying with the agreed correction(s) of the violation(s).
- If the responsible party does not reply to the "Notice of Violation(s)" letter or if the responsible party denies responsibility for the violation(s), Otsego County Land Use Services shall mail to the responsible party a "Citation" and "Notice of Citation(s)" letter advising that they must appear in Otsego County District Court regarding the violation(s). A copy of the "Citation" and "Notice of Citation(s) letter will be provided to the District Court Clerk and the matter will, from then on, be within the jurisdiction of the District Court.
- It shall be the duty of the Responsible Party or their agent to notify the Director of Otsego County Land Use Services that such correction(s) of the violation(s) are ready for inspection. It shall be the duty of the person requesting any inspections required by the Otsego County Zoning Ordinance to provide access to and means for inspection.

OTSEGO COUNTY LAND USE SERVICES
1322 HAYES RD
GAYLORD, MI. 49735
(989) 731-7400 fax (989) 731-7419

[String.Property Occupant.Name]
[String.Property Occupant.AddressDisplayString]
[String.Property Occupant.CityStateZip]

Enforcement Number:	**[String.Enforcement.EnforcementNumber]**
Parcel ID Number:	**[String.Parcel.ParcelNumber]**
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FROM THE DESK OF JIM MOUCH, DIRECTOR.....

NOTICE OF VIOLATIONS

8/14/2017

Primary Business Address
1322 Hayes Road
Gaylord, MI 49735

Phone: 989-731-7400
Fax: 989-731-7413
E-mail:
jmouch@otsegocountymi.gov

OTSEGO COUNTY LAND USE SERVICES
1322 HAYES RD
GAYLORD, MI. 49735
(989) 731-7400 fax (989) 731-7419

[String.Property Occupant.Name]
[String.Property Occupant.AddressDisplayString]
[String.Property Occupant.CityStateZip]

Enforcement Number:	**[String.Enforcement.EnforcementNumber]**
Parcel ID Number:	**[String.Parcel.ParcelNumber]**
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Please note the following:

- **No Action** was taken by the responsible party following the written "Notice of Correction(s) and the listed violation(s), Otsego County Land Use Services shall follow the procedures required for issuance of a Municipal Civil Infraction Citation. Otsego County Land Use Services mailed to the responsible party both a "Notice of Correction(s)" and this "Notice of Violation(s)" letter advising the responsible party that they have 14 days to contact Otsego County Land Use Services, pay a **$50** fine and arrange for the correction(s) of the violation(s). The responsible party may instead choose to deny responsibility for the violation(s).
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[String.Parcel Owner.Name]
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FROM THE DESK OF JIM MOUCH, DIRECTOR.....

NOTICE OF CITATIONS

8/14/2017

Primary Business Address
1322 Hayes Road
Gaylord, MI 49735

Phone: 989-731-7400
Fax: 989-731-7413
E-mail:
jmouch@otsegocountymi.gov

OTSEGO COUNTY LAND USE SERVICES
1322 HAYES RD
GAYLORD, MI. 49735
(989) 731-7400 fax (989) 731-7419

[String.Property Occupant.Name]
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[String.Property Occupant.CityStateZip]

Enforcement Number: **[String.Enforcement.EnforcementNumber]**
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Please note the following:

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[String.Parcel Owner.Name]
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FROM THE DESK OF JIM MOUCH, DIRECTOR.....

LAND USE SERVICES ORDINANCE ENFORCEMENT POLICY

8/14/2017

Primary Business Address
1322 Hayes Road
Gaylord, MI 49735

Phone: 989-731-7400
Fax: 989-731-7413
E-mail:
jmouch@otsegocountymi.gov

Otsego COUNTY MICHIGAN ESTABLISHED 1875

Land Use Services

Ordinance Enforcement Policy

The purpose of this policy is to ensure that all violations of the adopted codes within Otsego County, investigated by the Land Use Services Department, are treated in a uniform and fair manner.

Zoning Department Procedures

The Enforcement Officer(s) employed/contracted by Otsego County Land Use Services are responsible for working with Township and County Officials to enforce zoning ordinance violations.

Violations of the Zoning Ordinance have been designated as Municipal Civil Infractions, such violations are not criminal in nature and enforcement of such violations must follow a specific procedure.

It is not the intent of Otsego County Land Use Services to enforce violations for the sole purpose of obtaining fines. The purpose and intent of Otsego County Land Use Services is to insure that all citizens within the County know and understand the Zoning Ordinance and are provided assistance in order to comply with the rules and regulations found in the Zoning Ordinance.

It is not the policy of Otsego County Land Use Services to patrol and look for violations of the County Zoning Ordinance. However, all inspectors have a duty to report any activity that appears to be in conflict with the Adopted Codes within Otsego County. Violations of the Zoning Ordinance will also be investigated based on complaints received by the Zoning Department from private citizens or from Township or County Officials. The following procedures will be followed upon receipt of a complaint.

1. Upon receipt of a complaint, Otsego County Land Use shall assign a Zoning Enforcement Officer to investigate the complaint to verify the violation.

2. Upon verification of a violation of the Zoning Ordinance, Otsego County Land Use Services will act as the complainant and all previous information regarding the complaint will be held strictly confidential.

(1) 3. Otsego County Land Use Services will, by first class mail, notify the property owner of the property in question, of the violation and request that the violation be corrected within a specific time period. The time period will be determined by Otsego County Land Use Services based on the type of violation and other factors such as the weather.

(2) 4. If the property owner contacts Otsego County Land Use Services immediately in response to the initial letter, Land Use Services shall work with the property

owner to insure that the violation is corrected in a reasonable period of time as agreed upon between the property owner and Land Use Services. Otsego County Land Use Services shall continue to monitor the property to verify that the property owner is complying with the agreed correction of the violation.

5. In the event that no action is taken by the property owner following the mailing of the written notification of the violation, Otsego County Land Use Services shall follow the procedures required for issuance of a Municipal Civil Infraction Citation. Otsego County Land Use Services shall mail to the property owner a "Notice of Violation" form advising the property owner that the property owner has two (2) weeks to contact Otsego County Land Use Services, pay a fine and arrange for the correction of the violation. The property owner may instead choose to deny responsibility for the violation.

6. If the property owner contacts Otsego County Land Use Services, pays the fine and agrees to correct the violation, Land Use Services shall work with the property owner to arrange for the violation to be corrected within a reasonable period of time. Land Use Services shall continue to monitor the property to verify that the property owner is complying with the agreed correction of the violation.

7. If the property owner does not reply to the "Notice of Violation" or if the property owner denies responsibility for the violation, Otsego County Land Use Services shall mail to the property owner a "Citation" form advising the property owner that the property owner must appear in Otsego County District Court regarding the violation. A copy of the "Citation" form will be provided to the District Court Clerk and the matter will, from then on, be within the jurisdiction of the District Court.

Building Department Procedures

The Building and Construction Trades inspectors employed/contracted by Otsego County Land Use Services are responsible for working with residential and business property owners, architects, engineers, building contractors, and builders to enforce the State of Michigan Residential Building Code, Michigan Building Code and all other state codes adopted by Otsego County.

The Michigan Building Codes are minimum requirements necessary to insure safe construction and installation of plumbing, mechanical and electrical components within residential and commercial structures. Building Codes are State mandated regulations necessary to insure the health and safety of the public,

All inspectors have a duty to report any activity that appears to be in conflict with the Adopted Codes within Otsego County. In addition, violations of the Adopted Codes within Otsego County will be investigated based on complaints received by Otsego County Land Use Services from private citizens or from Township or County Officials. The following procedures will be followed upon receipt of a complaint:

A. Inspector observes work being conducted: (workers on site)

i. The inspector shall first contact Otsego County Land Use Services to verify whether or not a permit has been issued for the subject property. If it is verified that a permit has been issued, the Inspector shall do nothing further. If it is verified that no permit has been issued on the subject property, Otsego County Land Use shall initiate an enforcement action on the subject property.

ii. Otsego County Land Use will schedule an inspection and instruct the inspector to stop and inform the person(s) that a permit is required for the work being conducted and direct the person(s) to contact Otsego County Land Use Services for the proper permits. The inspector shall photograph the work being completed to document the enforcement action. Upon returning to the Otsego County Land Use office, the inspector shall insert the results of the inspection and attach photographs taken during the inspection to the property file.

B. Inspector observes work being conducted: (no workers on site)

i. The inspector shall first contact Otsego County Land Use Services to verify whether or not a permit has been issued for the subject property. If it is verified that a permit has been issued, the inspector shall do nothing further. If it is verified that no permit has been issued on the subject property, Otsego County Land Use shall initiate an enforcement action on the subject property.

ii. Otsego County Land Use will schedule an inspection and instruct the inspector to photograph the suspected violation(s) and leave a door tag requesting the property owner contact Otsego County Land Use Services.

iii. Upon returning to the Otsego County Land Use office, the inspector shall insert the complete results of the inspection including which code and what sections of that code are being violated and attach photographs taken during the inspection to the property file.

General:

1. Upon verification of a violation, Otsego County Land Use Services will act as the complainant and all previous information regarding the complaint will be held strictly confidential.
2. Otsego County Land Use shall send a notice of violation letter to the property owner/Contractor. The letter shall contain all violations with code section number(s) attached. The notice of violation will be mailed by first class mail, notifying the property owner/contractor of the violation(s) and requesting that the property owner/contractor contact Otsego County Land Use Services within the specified time frame so that the violation(s) can be corrected.

3. If the property owner contacts Otsego County Land Use Services immediately in response to the initial letter of concern, Land Use Services shall work with the property owner to insure that the violation is corrected in a reasonable time frame as agreed upon between property owner and Land Use Services. Otsego County Land Use Services shall continue to monitor the property and the Building Department permitting system to verify that the property owner is working with the Department to comply with the Building Code requirements.

4. In the event that no action is taken by the property owner, after two (2) weeks following the mailing of the written notification of the violation, Otsego County Land Use Services shall follow the procedures required for issuance of a Misdemeanor Citation. Otsego County Land Use Services shall mail to the property owner a "Citation" form advising the property owner that the property owner must appear in Otsego County District Court regarding the violation. A copy of the "Citation" form will be provided to the District Court Clerk and the matter will, from then on, be within the jurisdiction of the District Court.

This policy replaces the earlier adopted Land Use Services Ordinance Violation Policy.

Adopted: October 23, 2012

FROM THE DESK OF JIM MOUCH, DIRECTOR.....

ADMINISTRATION AND ENFORCEMENT

8/14/2017

Primary Business Address
1322 Hayes Road
Gaylord, MI 49735

Phone: 989-731-7400
Fax: 989-731-7413
E-mail:
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ARTICLE 25 ADMINISTRATION AND ENFORCEMENT

SECTION 25.1 ADMINISTRATION

The administration and enforcement of this Ordinance shall be the responsibility of the Zoning Administrator and County Board of Commissioners. The Zoning Administrator shall be appointed by the County Board of Commissioners; he or she shall not be a member of the County Board of Commissioners.

SECTION 25.2 DUTIES OF THE ZONING ADMINISTRATOR;

It shall be the responsibility of the Zoning Administrator to administer and enforce the provisions of this Ordinance and in doing so shall perform the following duties:

25.2.1 Issue Permits: All applications for zoning permits, temporary zoning permits, special land use permits, planned unit development permits, variances, appeals, requests for Ordinance interpretation and requests for changes to a nonconforming use shall first be submitted to the Zoning Administrator who may issue such permits when all applicable provisions of this Ordinance have been met and following approval by the proper body or official.

25.2.2 File of Applications: The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued; these files shall be open for public inspection.

25.2.3 Inspections: The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the administration and enforcement of this Ordinance. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant through the County Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.

25.2.4 Record of Complaints: The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection.

25.2.5 Violations: Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation.

25.2.6 Report to the County Board of Commissioners: The Zoning Administrator shall report to the County Board of Commissioners periodically at intervals not greater than quarterly, summarizing for the period since the last previous report all Zoning Permits issued and all complaints of violation and any action taken on each complaint.

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein.

SECTION 25.3 PERMIT PROCEDURES AND REGULATIONS

It is the intent and purpose of this Section to create a review and permit process for the administration of this Ordinance. The primary process shall require the issuance of one (1) permit which shall be the Zoning

Table of Contents

Permit. Issuance of such a Permit, pursuant to Section 22.3, shall indicate that the plans and specifications for any particular land use that has been requested, complies with the Zoning Ordinance.

25.3.1 Jurisdiction: No land clearing shall be initiated; the excavation for any building or structure shall not be commenced; the erection of, addition to, alteration of (including porches, decks, patios or terraces), or moving of any building or structure shall not be undertaken; or any land shall not be used; or any existing land use changed to a different type or class; or the use or occupancy of any building or premises, or part thereof, hereafter shall not be undertaken, without the issuance of the proper and appropriate certificates and permits pursuant to the requirements of Sections 25.3.2 and 25.3.3 of this Ordinance. Except upon written order of the Zoning Board of Appeals, no Zoning Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance.

25.3.2 Zoning Permits

25.3.2.1 When required: A zoning permit is required before any activity listed in Section 25.3.1 is initiated, or before any activity otherwise specifically requiring a zoning permit in another section of this ordinance is begun.

25.3.2.2 Expiration of permit: Any permit granted under this Section shall become null and void after twelve (12) months from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective. The permit shall be renewable upon reapplication and upon payment of an original fee, provided the provisions of all ordinances in effect at the time of renewal are complied with.

25.3.2.3 Revocation: The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing. The Zoning Administrator may issue a stop work order if necessary or desirable to prevent further ordinance violation. Upon such revocation, all further construction activities and usage shall cease upon the site, except as allowed by the Zoning Administration for the purpose of correcting the violation. Cancellation of a permit issued for a special land use, planned unit development or variance shall not occur before a hearing by the body which granted the permit.

The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on cancellation of said permit.

25.3.2.4 Fees: Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the County Clerk in advance of processing any application or issuance of any permit. The amount of such fees shall be established by the County Board of Commissioners by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include all costs associated with conducting a public hearing or inspection, including the newspaper notice, postage, photocopying, staff time, Planning Commission, Board of Commissioners and/or Zoning Board of Appeals time, mileage and any costs associated with reviews by qualified professional planners

and/or engineers. Such fees may be collected in escrow with any unexpended balance returned to an applicant according to the procedure described below:

25.3.2.4.1 For any application for approval of a Site Plan, Special Land Use, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance, either the Zoning Administrator or the Planning Commission may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required for any project with more than ten (10) dwelling units, or more than ten thousand (10,000) square feet of enclosed space, or which requires any more than twenty (20) parking spaces. An escrow fee may be requested for any other project which may, in the discretion of the Zoning Administrator or Planning Commission, create an identifiable and potentially negative impact on public infrastructure or services, or on adjacent properties and, because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.

25.3.2.4.2 The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Zoning Administrator, Planning Commission or County Board of Commissioners values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the County indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be required to be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review hired by the County and a copy of the statement of expenses for the professional services rendered.

25.3.2.4.3 No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the County Clerk. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

25.3.2.4.4 If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by the County in response to the applicant's request.

25.3.2.5 Issuance: Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of the Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. In any case where a permit is refused, the reasons shall be stated in writing to the applicant. The Zoning Administrator shall not refuse to issue a permit when the procedures, standards, and/or conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants, deed restrictions or other private agreements which may occur upon the granting of said permits (but also see Section 25.3.2.7).

25.3.2.6 Withholding Permit: The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state or federal permits including septic

and water well permits, soil erosion and sedimentation control permits, wetlands permits, floodplain, culvert, driveway or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or County Board of Commissioners, the Planning Commission or County Board of Commissioners may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.

25.3.2.7 Relation to Nonconforming Uses: It shall not be necessary for an owner of a legal nonconforming structure or use, existing on the effective date of this Ordinance to obtain a Zoning Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article 21.26 until a Zoning Permit has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.

25.3.2.8 Performance Guarantee: A performance guarantee may be required as a condition to the issuance of any Zoning Permit, special land use permit, planned unit development permit, or variance approval in order to insure conformance with the requirements of this Ordinance. (See Section 25.6)

25.3.2.9 Occupancy Permit: No structure or use shall be occupied (except for a single family dwelling in zones permitting single family dwellings), without first receiving an Occupancy Permit. An Occupancy Permit shall be issued by the Zoning Administrator following an inspection that confirms that all requirements of a previously issued Zoning Permit, special land use permit, planned unit development permit or variance approval, if any, or if not, of this Ordinance have been met.

25.3.3 Zoning Permit Application: An application for a Zoning Permit for a land use not requiring Site Plan Review shall be considered for approval by the Zoning Administrator when said application contains the following:

25.3.3.1 Plot Plan: Two (2) copies of an accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator. The Zoning Administrator shall establish and make available in the office of the County Clerk written guidelines as to the scale and level of detail needed on a plot plan for applications for various types of uses requiring a Zoning Permit, or for information to be submitted to the Zoning Board of Appeals in order to make a decision on an appeal, request for Ordinance interpretation or variance.

25.3.3.1.1 Name, address and telephone number of the applicant (and owner if different).

25.3.3.1.2 The location, shape, area and dimension of the lot, including setbacks and shoreland and natural river districts, if any.

25.3.3.1.3 The location, dimensions and height of the existing and/or proposed structures to be erected, altered, or moved on the lot.

25.3.3.1.4 A description of proposed use of the building(s), land or structures.

25.3.3.1.5 The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.

25.3.3.1.6 The yard, open space and parking lot dimensions, parking space dimensions, and number of spaces.

25.3.3.1.7 A vicinity sketch showing the location of the site in relation to the surrounding street system, and adjacent land uses within three hundred (300) feet in every direction including on the opposite side of any public street; also showing adjacent landowners.

25.3.3.1.8 Location of any septic system or drain field and well.

25.3.3.1.9 Configuration of the driveway and parking, county drains and site drainage patterns.

25.3.3.1.10 Existing public right-of-ways or easements.

25.3.3.1.11 Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

25.3.3.2 Sanitary Sewer or Septic Approval: In the case of a permit for buildings proposed for human occupancy or required by law to have plumbing fixtures, either a report from the County Health Department certifying in writing the approval of a private sanitary sewage disposal system, or when public sanitary sewage service is available or required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.

25.3.3.3 Water Supply Approval: When a municipal, public or private water supply system is required by law or proposed by the applicant, either a report from the County Health Department certifying approval of a proposed private water supply system, or when municipal or public water supply is required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.

SECTION 25.4 VIOLATIONS

Violations of any provisions of this Ordinance are declared to be Municipal Civil Infractions and are to be enforced pursuant to the Otsego County Municipal Civil Infraction Ordinance.

25.4.1 Notice of Violation: The Zoning Administrator, county zoning enforcement officer, county building inspector, or other authorized personnel of the county, shall inspect each alleged or apparent violation. Whenever an authorized county official determines that a violation of this Ordinance exists, said county official shall issue a Notice of Violation pursuant to the Otsego County Municipal Civil Infraction Ordinance. Said notice shall be in writing and shall specify all circumstances found to be in violation and what corrective actions must be taken. Said Notice of Violation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the zoning ordinance section violated, time, place, and location of the alleged violation, the place where the alleged violator shall appear before the Municipal Violations Bureau and the time at or by which the appearance shall be made. If the alleged violator does not appear before the Municipal Violations Bureau to admit responsibility or if the alleged violator appears and does not admit responsibility the county official shall issue a Civil Infraction Citation pursuant to the Otsego County Municipal Civil Infraction Ordinance.

25.4.2 Issuance of Citation: If the alleged violator does not appear before the Municipal Violations Bureau to admit responsibility or if the alleged violator appears and does not admit responsibility the county official shall issue a Civil Infraction Citation pursuant to the Otsego County Municipal Civil Infraction Ordinance. Said Citation shall be in writing and shall specify all circumstances found to be in violation. Said Citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the zoning ordinance section violated, time, place and location of the alleged violation, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made pursuant to the Otsego County Municipal Civil Infraction Ordinance.

25.4.3 Service of Notice: Notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. As provided by Section 3.2(g)(2) of the Otsego County Municipal Civil Infraction Ordinance, a copy of the Notice of Violation or the Citation may be served upon an owner or occupant of the land, building or structure by posting a copy of the citation upon the land or attaching the copy to the building or structure. A copy of the notice and if necessary a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

25.4.4 Violation: All ordinance violations which constitute a Municipal Civil Infraction and upon which the owner or party in interest has received a civil infraction notice or citation, the alleged violator shall admit responsibility by mail or may admit responsibility "with explanation" by mail, or deny responsibility and appear at an informal hearing or formal hearing at the district court pursuant to Section 3.3 of the Otsego County Municipal Civil Infraction Ordinance.

25.4.5 Hearing: All ordinance violations which constitute a Municipal Civil Infraction and for which the alleged violator has denied responsibility, the party may appear in person for an informal hearing before a judge or magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the county, or by appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney pursuant to Section 3.3 of the Otsego County Municipal Civil Infraction Ordinance.

25.4.6 Legal Action: If the owner or party in interest fails to appear, admit responsibility, pay the civil fine or neglects to correct the violation within the time period specified by the district court magistrate or judge, the county enforcement officer, county zoning administrator,

county building inspector, or other personnel of the county authorized by the Otsego County Board of Commissioners to issue municipal civil infraction citations or violation notices

shall transfer a report to the County Attorney recommending the appropriate action be taken. The County Attorney may then initiate prosecution proceedings. If the threat of public health and or safety necessitates immediate action, this procedure may be circumscribed and the County may initiate injunctive action in Circuit Court or any such other remedy provided by Law.

SECTION 25.5 PENALTIES AND REMEDIES

25.5.1 Municipal Civil Infraction: Any land clearing, or any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance or in violation of a permit or approval issued by a body or official under this Ordinance is hereby declared to be a Municipal Civil Infraction.

25.5.2 Penalties and Sanctions for Violations: The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by the Section 3.6 of the Otsego County Municipal Civil Infraction Ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

25.5.3 Remedies: The County Board of Commissioners, the county zoning enforcement officer, county zoning administrator, county building inspector or other authorized personnel of the county may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance.

The imposition of a civil fine shall not exempt the violator from compliance with the provisions of this Ordinance.

Table of Contents

SECTION 25.6 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE

In authorizing any Zoning Permit, Special Land Use Permit, Planned Unit Development approval or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the County to complete required improvements or conditions in the event the permit holder does not.

25.6.1 Improvements Covered: Improvements that shall be covered by the performance guarantee or bond include: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The performance guarantee shall meet the following requirements:

25.6.1.1 Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the County Clerk, which names the property owner as the obligor and the County as the obligee.

25.6.1.2 Time when Required: The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the County shall deposit the funds in an interest bearing account in a financial institution with which the County regularly conducts business.

25.6.1.3 Amount: The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the County Board of Commissioners. If none are specified or applicable to the particular use or development, the County Board of Commissioners shall by resolution establish a guideline which it deems adequate to deal with the particular problem while ensuring the protection of the County and its inhabitants.

25.6.2 Return of Performance Guarantee or Bond: The County Clerk, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.

25.6.3 Withholding and Partial Withholding of Performance Bond: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the County Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Planning Commission and County Board of Commissioners indicating approval, partial approval, or rejection of the improvements or approval with conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

25.6.3.1 The Planning Commission shall approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements.

Table of Contents

Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

25.6.3.2 Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the County may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining would be returned to the applicant.

25.6.4 Performance Bond for Razing of Building: The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. The bond shall be determined according to a guideline of one thousand dollars ($1,000.00) for each one thousand (1,000) square feet or fraction thereof of floor area of the structure to be razed. A bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief or the County Board of Commissioners may from time to time prescribe, including filling of excavations and proper termination of utility connections.

25.6.5 Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator and the status thereof reported to the County Board of Commissioners at least quarterly.

SECTION 25.7 CHANGES AND AMENDMENTS

The County may from time to time, on recommendation from the Planning Commission, or on petition, amend, supplement or change the District boundaries or the regulations, herein, or subsequently established herein, pursuant to the authority and procedure established in Public Act 110 of 2006 as amended. The notices for all public hearings before the planning commission or County Board of Commissioners concerning proposed zoning ordinance amendments (zoning text or map amendments) shall comply with all of the following applicable provisions:

A. For a proposed amendment to the text of the zoning ordinance, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information
   a. A description of the nature of the proposed zoning ordinance amendment.
   b. The time, date, and place the proposed zoning ordinance will be considered.
   c. The places and times at which the proposed zoning ordinance amendment may be examined.
   d. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than fifteen (15) days before the scheduled public hearing.
3. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility Company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County Clerk for the purpose of receiving the notice of public hearing.

B. For a proposed zoning ordinance amendment rezoning an individual property or ten (10) or fewer adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:

   a. A description of the nature of the proposed zoning ordinance amendment.

   b. A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.

   c. The time, date, and place the proposed zoning ordinance will be considered.

   d. The places and times at which the proposed zoning ordinance amendment may be examined.

   e. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.

2. The notice shall be published in a newspaper of general circulation within the County not less than fifteen (15) days before the scheduled public hearing.

3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing.

4. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the property or properties proposed for rezoning and to the occupants of all structures within three hundred (300) feet of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

5. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility Company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

C. For a proposed zoning ordinance amendment rezoning eleven (11) or more adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:

   a. A description of the nature of the proposed zoning ordinance amendment.

   b. The time, date, and place the proposed zoning ordinance will be considered.

   c. The places and times at which the proposed zoning ordinance amendment may be examined.

   d. The address where and the deadline when written comments can be sent concerning the proposed zoning ordinance amendment.

2. The notice shall be published in a newspaper of general circulation within the County not less than fifteen (15) days before the scheduled public hearing.

3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing.
4. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County Clerk for the purpose of receiving the notice of public hearing.

FROM THE DESK OF JIM MOUCH, DIRECTOR.....

OTSEGO COUNTY MUNICIPAL CIVIL INFRACTIONS ORDINANCE

8/14/2017

Primary Business Address
1322 Hayes Road
Gaylord, MI 49735

Phone: 989-731-7400
Fax: 989-731-7413
E-mail:
jmouch@otsegocountymi.gov

ORDINANCE NO. 2012-2

OTSEGO COUNTY MUNICIPAL CIVIL INFRACTIONS ORDINANCE

Adopted: May 8, 2012
Effective: June 27, 2012

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SERVICE OF MUNICIPAL CIVIL INFRACTION CITATIONS

THE COUNTY OF OTSEGO, MICHIGAN, HEREBY ORDAINS:

Section 1. Short title

This Ordinance shall be known and may be cited as the "Municipal Civil Infraction Ordinance."

Section 2. Definitions

As used in this Ordinance:

"Act" means Act No. 236 of the Public Acts of 1961, as amended.

"Authorized County Official" means a police officer, animal control officer, building code enforcement officer, zoning administrator, soil erosion enforcement officer, marine officer, or any other personnel of Otsego County authorized by this Ordinance, by any other ordinance or state law permitted to enforce an ordinance or state law and/or to issue municipal civil infraction citations.

"Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

"Municipal civil infraction citation" means a written complaint prepared by an authorized County Official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

"Municipal civil infraction" means any civil infraction issued by an authorized County Official as provided for by ordinance or state law.

Section 3. Designation of authorized officials

The following persons have the authority to issue municipal civil infraction citations pursuant to this Ordinance:

(a) Otsego County Sheriff's Department deputized law enforcement officers;
(b) Officers of the City of Gaylord Police Department;
(c) Officers of the Michigan State Police;

(d) Conservation Officers of the Michigan Department of Natural Resources;
(e) Any employee of Otsego County charged with the enforcement of the building code;
(f) Otsego County Land Use Services Director;
(g) Any employee of Otsego County charged with the enforcement of the Otsego County Zoning Ordinance;
(h) Otsego County Administrator;
(i) Any officer, employee, or agent of Otsego County charged with the enforcement of any other ordinance and/or state law.

Section 4. Municipal civil infraction action; commencement

A municipal civil infraction action may be commenced upon the issuance by an authorized County Official of a municipal civil infraction citation directing the alleged violator to appear in court.

Section 5. Municipal civil infraction citations; issuance and service

Municipal civil infraction citations shall be issued and served by authorized County officials as follows:

(a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

(b) The place for appearance specified in a citation shall be the district court.

(c) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. The County shall retain copies of the citation, and one (1) copy shall be issued to the alleged violator as provided by § 8705 of the Act.

(d) A citation for a municipal civil infraction signed by an authorized County Official shall be treated as if made under oath, if the violation alleged in the citation occurred in the presence of the official signing the complaint, and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."

(e) An authorized County Official who witnesses a person commit a municipal civil infraction may prepare and subscribe, as soon as possible, and as completely as possible, an original citation and the required copies.

(f) An authorized County Official may issue a citation to a person if:

(i) Based upon investigation, the official had reasonable cause to believe that the person is responsible for a municipal civil

infraction; or

(ii) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction, and if the County attorney approves in writing the issuance of the citation.

(g) Municipal civil infraction citations shall be served by an authorized County Official as follows:

(i) An authorized County Official shall personally serve a copy of the citation upon the alleged violator;

(ii) An authorized County Official may, in lieu of personal service, serve a copy of the citation by certified mail, return receipt requested, and delivery restricted to the alleged violator;

(iii) If the municipal civil infraction action involves the use or occupancy of land, a building or structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy of the citation on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by certified mail, return receipt requested, and delivery restricted to the owner of the land, building, or structure at the owner's last known address.

Section 6. Municipal civil infraction citations; contents

(a) A municipal civil infraction citation shall contain the name and last known address of the alleged violator and, in the case of a minor, shall also include the name and address of a parent or guardian of said minor; the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time when the appearance shall be made.

(b) Further, the citation shall inform the alleged violator that he or she may do one of the following:

(i) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(ii) Admit responsibility for the municipal civil infraction "with explanation" by mail, in person, or by representation, at or by the time specified for appearance.

(iii) Deny responsibility for the municipal civil infraction by doing either of the following:

(A) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the County.

(B) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(c) The citation shall also inform the alleged violator of all of the following:

(i) That if the alleged violator desires to admit responsibility "with explanation" in person, or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

(ii) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance, and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

(iii) That a hearing shall be an informal hearing, unless a formal hearing is requested by the alleged violator or the County.

(iv) That at an informal hearing, the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(v) That at a formal hearing, the alleged violator must appear in person before a judge, with the opportunity of being represented by an attorney.

(vi) The citation shall contain a notice in boldface type that the failure of the alleged violator to appear within the time specified in the citation, or at the time scheduled for a hearing or appearance, will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

Section 7. Failure to appear; penalty

A person served with a municipal civil infraction citation as provided in Section 5(g), who fails to appear within the time specified in the citation or at the time scheduled for a hearing or

appearance, shall have a default judgment entered against them in the amount provided by this Ordinance or any other ordinance, plus any costs, damages, expenses, and other sanctions, as authorized under the Act, including an order to show cause why the defaulted person should not be held in civil contempt.

Section 8. Sanctions for Municipal civil infractions; repeat offenses; continuing violations; injunctive relief

(a) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Ordinance, or any other ordinance violated, plus costs, damages, expenses and other sanctions, as authorized under the Act, and other applicable laws.

(b) Increased civil fines may be imposed for repeat offenses by a person of any requirement or provision of any ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) admission or determination of responsibility for the same municipal civil infraction made within the period as specified by the ordinance violated.

(c) Each day on which any violation designated as a municipal civil infraction continues constitutes a separate offense and shall be subject to sanctions as a separate violation.

(d) In addition to any remedies available at law, the County may bring an action for an injunction or other process against a person to restrain, prevent, or abate any municipal civil infraction violation.

Section 9. Schedule of civil fines and costs

Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable upon admission or determination of responsibility by a person served with a municipal civil infraction citation, shall be determined pursuant to the following schedule:

1st violation	$25.00-$50.00
2nd violation within a 3-year period	$50.00-$100.00
3rd violation within a 3-year period	$100.00-$200.00
4th violation within a 3-year period	$250.00-$500.00

The time period for determining second (or any subsequent) violations is based upon the date of the violation.

Section 10. Severability

This Ordinance and the various parts, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

Section 11. Repealer

All prior ordinances addressing the same subject matter as this Ordinance are hereby repealed.

Section 12. Effective Date

This Ordinance shall be effective on the day when notice of its adoption is published in a newspaper of general circulation in Otsego County.

Adoption of the Ordinance was moved by _____ and supported by _____ _____.

YEAS:
NAYS:

ORDINANCE DECLARED ADOPTED ON _____, 2012.

_____
Paul M. Beachnau
Its: Chairman, Otsego County Board of Commissioners

STATE OF MICHIGAN)
) ss.
COUNTY OF OTSEGO)

The undersigned, being the Clerk of the County of Otsego, hereby certifies that the foregoing is a true and complete copy of the Ordinance duly adopted by the Otsego County Board of Commissioners at its regular meeting held on the ____ day of _____, 2012, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the County. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of such meeting were kept and will be or have been made available as required thereby.

Dated:

_____
Susan I. DeFeyter, County Clerk

FROM THE DESK OF JIM MOUCH, DIRECTOR.....

MICHIGAN LEGISLATURE

8/14/2017

Primary Business Address
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Gaylord, MI 49735

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Section 125.1523

STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT (EXCERPT)
Act 230 of 1972

125.1523 Unlawful conduct; penalty; separate offenses; retention of fine by governmental subdivision; designation of violation as municipal civil infraction.

Sec. 23.

(1) Except as provided in subsection (3), a person or corporation, including an officer, director, or employee of a corporation, or a governmental official or agent charged with the responsibility of issuing permits or inspecting buildings or structures, who does any of the following is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 90 days, or both:

(a) Knowingly violates this act or the code or a rule for the enforcement of this act or code.

(b) Knowingly constructs or builds a structure or building in violation of a condition of a building permit.

(c) Knowingly fails to comply with an order issued by an enforcing agency, a construction board of appeals, a board, or the commission pursuant to this act.

(d) Knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals, a board, or the commission.

(e) Knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building, or structure pursuant to this act.

(f) Unreasonably interferes with an authorized inspection.

(g) Knowingly issues, fails to issue, causes to be issued, or assists in the issuance of a certificate, permit, or license in violation of this act or a rule promulgated under this act or other applicable laws.

(h) Having a duty to report violations of this act or a rule promulgated under this act or other applicable laws, knowingly conceals a violation.

(2) With respect to subsection (1)(c), a person is guilty of a separate offense for each day that the person fails to comply with a stop construction order validly issued by an enforcing agency and for each week that the person fails to comply with any other order validly issued by an enforcing agency. With respect to subsection (1)(a) or (d), a person is guilty of a separate offense for each knowing violation of this act or a rule promulgated under this act and for each false or misleading written statement or omission of required information or statement knowingly made in an application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals, a board, or the commission. With respect to subsection (1)(b), a person is guilty of a separate offense for each knowing violation of a condition of a building permit.

(3) If a governmental subdivision has the responsibility of administering and enforcing this act and prosecutes a violation of this act, the governmental subdivision may retain a fine imposed upon conviction. If a governmental subdivision has the responsibility of administering and enforcing this act, the governmental subdivision may by ordinance designate a violation described in subsection (1) or (2) as a municipal civil infraction and provide a civil fine for the violation. The governmental subdivision may retain the civil fine imposed upon judgment.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978 ;-- Am. 1980, Act 371, Imd. Eff. Dec. 30, 1980 ;-- Am. 1994, Act 22, Eff. May 1, 1994
Popular Name: Act 230
Popular Name: Uniform Construction Code
Admin Rule: R 408.30101 et seq. of the Michigan Administrative Code.

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Act 230 of 1972

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Administrative rules: R 408.30101 et seq. of the Michigan Administrative Code.

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Go Back

Information Product

Printer-Friendly Version

Title:	Age Limit on Mobile Homes
Summary:	MTAS was asked whether it is legal to restrict the mobile homes that come into the city to a certain age.
Original Author:	Hemsley, Sid
Co-Author:	
Product Create Date:	08/18/2009
Last Reviewed on::	05/19/2017
Subject:	Mobile homes; Zoning
Type:	Legal Opinion

Legal Opinion: Age Limit on Mobile Homes public.doc

Reference Documents:

Text of Document:

MEMORANDUM

FROM: Sid Hemsley, Senior Law Consultant

DATE: August 18, 2009

RE: Age limit on mobile homes

Two of your cities have this question: Is it legal to restrict the mobile homes that come into the city to a certain age, in one city to no more than two years of age, in the other to no more than five years of age?

That is a difficult question to answer. As far as I can determine, only one case in the United States has addressed the question of whether an ordinance containing an age limit on mobile homes is legal. I make an educated guess that because that case upheld the five year age limit it is the case driving such age limits in zoning ordinances. However, I am not confident that case is sound, although as will be seen below, the courts have gone a long distance in upholding local mobile home regulations, even in the face of federal and state regulations that attempt to put them on a plane at least partially equal to conventional housing. In addition, Tennessee is among those states in which there has been little mobile home litigation, and what there has been has generally favored the regulations at issue.

The case that upheld the five year age limitation is Lex, Inc. v. Board of Trustees of the

Town of Paragon, 808 N.E.2d 104 (Ct. App. Ind. 2004). There the City of Paragon (pop. 668) restricted mobile homes coming into the city to those not over five years old. The plaintiff owned a 1990 mobile home that he located in a mobile home park inside the city. The court upheld the ordinance under the city ' s police powers against two major challenges by the plaintiff, including that the Indiana State Health Department had the exclusive authority to regulate and license
mobile home parks. But the ordinance applied to all mobile homes in the city. The court appears to have given weight to the city ' s argument that as a home rule city it had the inherent power to prohibit mobile homes over 5 years old. Under the Indiana Home Rule statute a "unit" [apparently that term meant or included home rule cities] "has all the powers granted by statute and ' all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute. '" The court declared that:

It is through the Ordinance that the Board [of Trustees] is enforcing the Health Department ' s sanitary and safety regulations, not seeking to exceed its authority. Therefore, in interpreting the Home Rule statute as a whole and giving the words their common and ordinary meaning, we find that the enactment of the Ordinance is a reasonable use of the powers granted to the Board in the Home Rule Statute.... [At 110].

The court also rejected the plaintiff's claim that the ordinance violated the Equal Privileges Clause, Article 1, Section 23 of the Indiana Constitution, reasoning that the there was an "inherent" distinction between mobile homes less than five years old and mobile homes more than five years old, and that the ordinance was not discriminatorily enforced; it applied to all mobile homes. On the "inherent" distinction issue, the court declared that:

.... Specifically, the record shows that the Board enacted the Ordinance in order to ensure sanitary, efficient and economical placement of the mobile homes in the town of Paragon. Further, the Ordinance also seeks to ensure that the mobile homes are connected and properly used between municipal utilities and to insure attractive and sanitary use of the mobile homes. Therefore, we find that the Board ' s reasons for enacting the Ordinance are reasonably related to inherent differences between mobile homes that are five years old and older and those that are less than five years old. [Citation omitted by me.] [At 112]

Neither of the cities at issue is a home rule city under Article XI, Section 9 of the Tennessee Constitution, although I doubt that the home rule issue in Paragon would have much of a bearing on Tennessee home rule municipalities..

Certain federal standards apply to mobile homes that preempt state and local standards on the same subject. Those were never mentioned in Paragon. Indeed, the trial court ' s findings of fact included this one: "Paragon does not have a comprehensive plan for zoning and planning, has no building inspector, planning director, zoning ordinance or building code." [At 107]

The National Manufactured Housing Construction and Safety Standards of 1974 [24 C.F.R. ' 3280 et seq.] adopted pursuant to U.S.C.A. '' 5401-5426, preempt any state or local building code regulations inconsistent with those Standards. 42 U.S.C. ' 5403(d) provides that:

Whenever a Federal manufactured home construction and safety standard established under this charter is in effect, no State or political subdivision of a state shall have any authority either to establish, or to continue in effect, with respect to any manufactured home covered, any standard regarding construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the Federal manufactured home construction and safety standard. Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this chapter. Subject to section 5404 of this title, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that state, and for the foundation on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purpose of this chapter and shall be consistent with the design of the manufacturer.

The italicized sentence of the above provision was added to the 1974 Federal Standards by the American Home Ownership Opportunity Act of 2000. It does not seem clear even today what affect this amendment has on the federal preemption of state and local regulations of mobile homes based on aesthetic and other reasons.

The 1974 Federal Standards have been held to preempt building code requirements that conflict with those requirements. [See Scurlock v. City of Lynn Haven, 858 F.2d 1521 (11th Cir. 1988); Texas Manufactured Housing Association, Inc. v. City of Nederland, 1203 F.3d 1095 (5th Cir. 1996); Colorado Manufactured Housing Association v. Board of County Commissioners of County of Pueblo, 946 F.Supp. 1539 (Colo. 1996); Manufactured Housing Association v. Robinson Township, 73 F. Supp.2d 823 (W.D.Mich. 1999).]

But several cases have held that zoning regulations that have an aesthetic, rather than a consumer protection, purpose are not preempted by the 1974 Federal Standards, even when they require construction modification/s to mobile homes. The lead case in this area is Georgia Manufactured Housing Association Inc. v. Spalding County, 148 F.3d 1304 (11th Cir. 1998). There the Court upheld the county ' s zoning regulation that permitted mobile homes in residential zones only if they had a roof with a 4:12 pitch, on the grounds that the 1974 Federal Standards were designed to protect consumers

from mobile home hazards, and that the 4:12 roof pitch requirement "does not have any purported basis in consumer protection, but is a straight forward declaration that the County does not want low-pitched roofs in its residential areas." [At 1310] A county zoning ordinance that required mobile homes placed in certain locations to have siding and roof shingles of a type "commonly used in residential construction," and a roof pitch of 2- 1/2 feet for each 12 feet of horizontal run, was upheld in CHM Manufacturing, Inc. v. Catawba County, 994 F.Supp. 697 (W.D.N.C. 1988). Those standards went to appearance, not to safety, reasoned the Court.

In Bibco Corporation v. City of Sumpter, 504 S.E.2d 112 (S.C. 1998), the South Carolina Supreme Court upheld a city ordinance that restricted mobile homes to mobile home parks against the plaintiff ' s challenge that because his mobile home met the 1974 National Manufactured Housing Construction and Safety Standards of 1974, it could not be subject to such an exclusion. The Court rejected his argument, declaring that:

Bibco ' s argument must fail for the simple reason that the City ' s ordinance does not impose any construction or safety standards on mobile homes. The ordinance simply distinguishes between structures built on a permanent chassis and those that are not and excludes the former from R-9 residential districts. Bibco ' s attempt to characterize this distinction as a construction standard is unavailing. [At 115]

It appears that if a local government can justify a particular mobile home regulation on any grounds other than safety and consumer protection, the regulation might survive a challenge that it violates the 1974 Federal Standards. In Paragon one of the WHEREAS ' s in the mobile home ordinance was that:

It is necessary that there be certain rules and restrictions to insure that said mobile homes are connected and properly used between municipal utilities and to insure attractive and sanitary use of such mobile homes... [At 107]

The language in Pagragon "to insure that said mobile homes are connected and properly used between municipal utilities... " might, standing alone, have been safety related, and perhaps preempted by the federal regulations. But the ordinance also paid attention to "insure attractive and sanitary use of mobile homes," Those reasons for the ordinance may have taken it out of umbrella of the federal standards. The 2000 amendment to the National Standards probably reflects a response to some of the cases that permit state and local governments to do an end run
around those Standards on aesthetic grounds. But even if that is true, the language of that amendment does not appear to expand the purposes of the 1974 Federal Standards beyond its safety and consumer protection purposes.

The State of Tennessee has adopted the Uniform Standards for Manufactured Homes

Act, codified in Tennessee Code Annotated, ' 68-126-1011, which is the vehicle by which the Tennessee State Department of Commerce and Insurance enforces the 1974 Federal Standards. Tennessee Code Annotated, ' 68-126-203 states the purpose of the Tennessee Uniform Standards for Manufactured Homes, which is obviously similar to the policy stated in the 1974 Federal Standards:

Manufactured homes, like other finished products having concealed vital parts, may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured. In the sale or rental of manufactured homes, there is also the possibility of defects not readily ascertainable when inspected by purchasers. It is the policy and purpose of this state to provide protection to the public against those possible hazards, and
for that purpose to forbid the manufacture and sale or lease of manufactured homes that are not so constructed and to provide reasonable safety and protection to their owners and users.

The focus of the Tennessee Uniform Standards appears to be the same as the 1974 Federal Standards: safety and consumer protection. There appears to be nothing in the Tennessee Uniform Standards that would intercept local zoning regulations that have an aesthetic or purpose.

But in Tennessee, local governments attempting to impose appearance standards of any kind on double-wide mobile homes in residential areas must deal with Tennessee Code Annotated, ' ' 13-24-201 B 202, and with the case law on the subject of zoning for aesthetic purposes. That statute preempts the right of local governments "to exclude the placement of a residential dwelling [double-wide manufactured home] on land designated for residential use
solely because the dwelling is partially or completely constructed in a manufacturing facility." However, Tennessee Code Annotated, ' 13-24-202 provides that "Such manufactured residential dwelling shall have the same general appearance as required for site-built homes."

In spite of the above cases that uphold mobile home restrictions in ordinances based on reasons other than those directly related to building and safety codes, it appears to me likely that
an age limitation (especially a short one of two or a five years)-- at least on double-wide mobile homes, that otherwise have the same appearance as a conventional house, would be subject to challenge under that statute.

But Norris v. Bradford, 321 S.W.2d543 (1958), held that zoning ordinances passed solely for aesthetic purposes are invalid. That case may not survive a challenge in this day and time in which aesthetics are far more important than they used to be, but until it is overturned or modified, that case is still a problem for local government zoning regulations based solely on aesthetics.

In fact, in Mobile Home City of Chattanooga v. Hamilton County, 552 S.W.2d 86 (Tenn. Ct. App. 1977), the court upheld a zoning restriction pertaining to the minimum size required for mobile home park districts. The court acknowledged that City of Norris v. Bradford, above, prohibited zoning based solely on aesthetic grounds, but declared that, "Conversely, when a zoning ordinance bears a reasonable relation to the public health, safety or morals, it must be sustained as a valid exercise of police power." [At 87] The court also went on to explain what "reasonable" meant in the zoning context. It did not mean that the courts were free to substitute their judgement for what was reasonable: Quoting Davidson County v. Rogers, 184 Tenn. 317, 331, 198 S.W.2d 812, 814 (1947), the Court said:

It is said that the courts have the right to determine whether such law is reasonable. By this expression, however, it is not meant that they have the power to pass upon the act with a view to determining whether it was dictated by a wise or foolish policy, or whether it will rebound to the public good, or whether it is contrary to natural justice or equity. These are considerations solely for the Legislature. In determining whether the act is reasonable the court decides merely whether it has any tendency to carry into effect the purposes designed (that is, the protection of the public safety, the public health, or the public morals) and whether this is really the end had in view, and whether the interests of the public generally, as distinguished from those of a particular class, require such interference, and whether the act in question violates any provision of the state or federal constitution. [Citation omitted.] [At 87]

The court further observed that:

One who assails classification made in a police measure must carry the burden of showing that it does not rest upon any reasonable basis, but that such classification is clearly arbitrary [citation omitted] ....and "if any possible reason can be conceived to justify such classification, it will be upheld and deemed reasonable." [Citations omitted.] [At 88]

Paragon found the five year age limitation within the police power of the city, based on the inherent distinction between mobile homes over five years old and those less than five years old. But that case reflects not a smidgen of objective differences between such mobile homes. As broad as are the police powers of Tennessee municipalities and how liberal the "reasonable" standard is in favor of municipalities found Mobile Home City of Chattanooga, I still have a difficult time believing that it is within the police power of a city to fix a two, or even five, year age standard as the sole reason for rejecting the admission of mobile homes into the city. That standard would exclude mobile homes made in 2007, and 2003, from admission to the two cities in question, based on no reason other than that they were manufactured in or before those years. I suspect that the inherent distinction argument accepted in Paragon comes close to being arbitrary and capricious for the reason that it would be difficult to show that as a class,

mobile homes made in 2007 or 2003, or before, are different in any material way from mobile homes made earlier. I may be that the inherent distinction would not be an arbitrary standard at a certain age in the life of a mobile home, but it does not seem to me that is true with respect to two and five years.

Still, those restrictions can be defended, at least under the present law and cases governing mobile home.

Please remember that these legal opinions were written based on the facts of a given city at a certain time. The laws referenced in any opinion may have changed or may not be applicable to your city or circumstances.

Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this database.